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PREFACE.

THE fourth volume of the American Register is now presented to the public. The editor indulges the hope that it will be found to contain materials of more value and variety than any former volume.

The brevity of the historical introduction will require no appology with those who reflect upon the actual state of political transactions, both foreign and domestic, at the close of the year one thousand eight hundred and eight. The great and interesting scenes opened on the theatre of Spain, had made too inconsiderable progress, and the materials of a legitimate narration, which had reached America at that period, were too few and scanty to justify the editor in entering into that topic.

With regard to domestic trasactions, they were at the close of that year, to which the present volume must be considered as relating, in a state of extreme uncertainty, nor was it till the present year had somewhat advanced, that the negociations and disputes with Great Britain had reached a full termination. The proper time therefore for detailing the history of Spanish affairs till the embarkation of the British auxilary troops at Corunna, and of continuing the history of our domestic transactions, till the restoration of our commercial intercourse with Great Britain, will have arrived at the publication of our next volume. Mean time the way has been prepared for this

by explaining the state of Europe in general, during the interval betweeen the peace of Tilsit and the attack of the French emperor on Spain.

In the copious report to congress, on the hostile decrees of France and Britain, published in this volume, will be found some few documents which have been inserted in a former volume. The repetition was admitted by the editor, from the persuasion that it was best to preserve the series entire, especially as these copies are completely authentic.

The laws enacted by the national government, being published annually, do not allow of our giving an abstract of them more than once a year.

The intrinsic value of the narrative of the proceedings of the friends in relation to the Indians, and of the geographical sketches respecting Louisiana, will, the editor believes, be evident to every judicious reader. He thinks his work would be entitled to no small share of public regard, if it were merely a general depository of papers so valuable as these.

Though difficult, it would not have been impracticable to give something more than a catalogue of American books; but the falacy and misrepresentation of reviews, are so notorious, and the number of those whom censure would mortify or irritate is so considerable, that the editor assures himself of the approbation of every considerate reader, for having confined himself to a well digested and perspicuous catalogue.

Those who are aware of the imperfect intercourse and mutual distance of the great literary marts in the United States, will be more disposed to applaud the fulness than to censure the omissions of this catalogue.

Philadelphia, May 20, 1809.

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ANNALS OF EUROPE,

FOR 1808.

ANNALS OF EUROPE.

CHAPTER I.

AFTER the conclusion of the war with Prussia and Russia, by the peace of Tilsit, in July 1807, the French government had leisure to resume its hostile projects against England, but these projects were no longer as direct as formerly. Though much of the Prussian monarchy had been declared, by they late treaty, restored to its former possessor, the French armies still retained possession of the whole. The vantage ground which the Prussian fortresses in Silesia and Saxony afforded against Austria, was not to be precipitately relinquished, and the execution of the treaty necessarily demanded much time. A large part of the military force of France, therefore, was still detained in Germany and Poland, and the camp formerly maintained on the shores of the English channel continued still desolate.

The British expedition against Denmark necessarily threw that state into the arms of France. The conquest of all the Swedish provinces in Germany, and the Danish alliance, afforded the French an opportunity of threatening the Swedish territory itself, and considerable bodies of troops, were consequently occupied in that quarter. As there was no medium with regard to Denmark, between war with France on the one hand, and the British and their allies on the other, she rushed at once into double hostility, and war ensued between Denmark and Sweden. The French therefore dispatched armies into Denmark, to second her hostilities against Sweden, and a part of the British naval force was necessarily detained in the Baltic to aid Sweden in repelling her new as well as her old enemy.

The Treaty of Tilsit, between France and Russia was carefully concealed from the British government. This circumstance alone was calculated to excite disquiet and suspicion in the latter. The obvious advantage arising to France, from a war between Russia and Great Britain, could not fail to make that power extremely solicitous to accomplish it. The secrecy observed in their stipulations at Tilsit, could arise from nothing but the offensiveness of some of its articles to the ancient allies of the vanquished party. It was well known that the claims which the British nation had been enabled, by its victorious navy, to establish with regard to maratime empire, were odious and painful to the Russians, and had been recently submitted to, or overlooked through the influence of other more powerful considerations. It was easy to conjecture with what zeal the new counsellors, the patrons of France would endeavour to revive the smothered flame, and nothing was more probable than that the career of the conqueror was checked by a promise to renew the pretentions, which formed the basis of the league between Alexander's grandmother and other northern potentates.

These reasons for doubting the amicable sentiments of Alexander towards England, were corroborated by several others. The British had afforded no direct assistance to the Russians in the late war. They had stipulated to afford prompt, large and effectual succour to their ally, but, though some ammunition and provisions had been sent, no auxiliary regiments had made their appearance in Poland or Prusssa. The great cause had not even been promoted by attacking any remote part of the French territory, by means of which the forces employed against Russia might have been weakened or diverted. The British troops in the Mediterranean, instead of assailing or annoying any part of Spain or Italy, were either stationed quietly at Sicily and Malta, or directed against the extremities of the Turkish empire, while the remainder was engaged in expeditions to America or Africa, or stationed at home, inactive spectators of the bloody and unequal conflict in the north of Europe.

The rapid progress of the French, and the uncertainty of any ultimate advantage from co-operating with the Russians, naturally dictated to Great Britain those cautions and dilatory measures of which Alexander complained. These measures were justified by the ordinary maxims of selfish policy, but that which the British government, considering only its own prosperity could not fail to consider as dictated by the soundest prudence, unavoidably appeared to the Russians as proofs of a lukewarm and perfidious friendship. The tardy and sparing supplies of ammunition and arms, were accompanied by generals and commissaries, who appeared more anxious and jealous, lest the Russian agents should embezzle, than that their armies should employ them in battle. Hence Alexander was offended and disgusted, not only because all effectual succour was denied him, but on account of the manner in which the assistance he received was dispenced to him.

These provocations were not sufficient of themselves, to justify, or even excuse a war with England. Ample matter had been afforded for complaint, but the offensive conduct of England consisting only in undue forbearance or selfish inactivity, afforded no adequate object of military vengeance. A war with England was enjoined by the French, and adopted in compliance with a hard necessity. To reconcile this proceeding as much as possible with the pride and interests of Alexander, he was permitted to defer it till his fleet in the Mediterranean had found a place of safety from the attacks of the British. This fleet had been dispatched to co-operate with the British, in annoying the Turkish empire, or in defending the Russian possessions in this quarter. The British government were not insensible that Russia could not maintain peace with France and England at the same time, and that the delay of hostile declarations was probably occasioned by anxiety for the safety of this fleet. They were, however, so anxious to maintain amity with Russia, that they suffered the Russian squadron to pass unmolested, from a Spanish harbor to that of Lisbon.

A next plausible step to war was an offer of the Russians to mediate a maritime peace between France and Great Britain. This mediation bore a friendly aspect, and its rejection would absolve the offerer from any further duty as an ally, and in the secret councils of France and Russia it cannot be doubted, that the latter stipulated to declare war against Great Britain, as soon as her squadron in the Turkish seas should have removed beyond the reach of that power, and the meditorial offer been rejected.

The English government could not reasonably condemn the peace between Russia and France. The progress of the French armies made it indispensible. They could only take umbrage at such excuses for the treaty as implied resentment against them, or such conditions of it as were fatal to the alliance between Russia and Great Britain. The Russian minister assigned the infidelity of England to her promises of co-operation and succour as the cause of the peace; he bitterly inveighed against her perfidious delays, and thus left no room for doubt, even if any had been left by other circumstances of the hostile purposes of Russia.

No time was lost by the Russian government in offering its mediation for a maritime peace. Communications were made to this purpose, by the Russian ambassador at London, about three weeks after the conclusion of the peace at Tilsit. The British minister signified a vague and ceremonial acceptance of this offer, but by previously demanding, among other things, a disclosure of the treaty of Tilsit, which the unfriendly purport of that treaty with respect to England compelled Russia to conceal; all new advances towards a diplomatic discussion between the ancient rivals were prevented. This of course was considered by Russia as a rejection of her mediation, and a justifiable prelude to war.

The obstacles to the acceptance of the Russian mediation appear, it must be acknowledged, to be studiously and needlessly multiplied

by the British ministers. They are not satisfied with a verbal assurance, that Russia had not stipulated in the Tilsit treaty, to shut her ports against Great Britain. They demanded a disclosure of the whole treaty, or at least of any compact by which the interests of Britain or her allies could be absolutely or conditionally, directly or indirectly affected. They likewise demanded to know beforehand the terms on which France was willing to negociate with her great adversary, and that Russia, as a proof of her impartiality, should agree to renew the commercial treaty with Great Britain. They required to be satisfied with regard to the extent of that acknowledgment of the new kingdom of Naples which Alexander had made, and to the intended conduct of Russia towards the Turks, with whom England had engaged in a war, on behalf of her ally, and the Swedes who had given no umbrage to Russia, but that arising from their enmity to France.

There is something extremely fulsome and disgusting in the customary language of diplomatic papers. Politeness, on other occasions, is shewn by deference and compliment paid by one party to another, but here we usually meet with little else than solemn and ostentatious encomiums by each party on its own wisdom, moderation, sincerity and justice, though the conduct of each manifests selfish and unfeeling contempt for the welfare of the other, and an exclusive regard to that interest of its own, which consists in the enlargement of power and dominion, and which therefore is promoted only by the injury of others. This odious spirit is plentifully breathed into the present conference, and each party decks himself with the epithets of equitable, generous, faithful and magnanimous, while an impartial sentence involves them both in the crimes of political avarice and national ambition.

Though a ready and unconditional acceptance of Alexander's offer could not have produced a maritime peace, because the terms remained still to be adjusted, and the parties were not likely to agree on any terms, and though the impartiality of the Russian court was reasonably liable to some doubt, it does not appear at this distance, that such an acceptance could be any wise injurious or impolitic. The preliminaries which the British government insisted on, might have been safely dispensed with; an important event, however, rendered it of little consequence which mode of conduct was pursued. This was the capitulation of Copenhagen, intelligence of which arrived at Petersburgh near the beginning of October, and which could not fail to put an end to every appearance of amity in Russia towards England.

Russia could not but regard the attack on Denmark as more flagitious than any violence or usurpation ever imputed to the French. As Denmark was in strict alliance with Russia, this attack, without any imputed provocation on the part of Denmark, and without the knowlege, concurrence or connivance of the former, was a flagrant outrage on the compacts subsisting between Russia and the assailing state. Russia herself had more reason to apprehend a similar attack than Denmark, and the recent event had proved that no foregoing

promises or subsisting treaties afforded the smallest security against it. Alexander's inclination for war, therefore, acquired from this circumstance, all the zeal, and all the justifying pleas which might previously have been wanting.

The British government had not yet repented of its conduct towards Denmark. Neither truth nor its own imagined dignity, therefore, would allow it to apologize for what had been done; on the contrary, it was incautiously induced to irritate the Russian prince still more by telling him cooly, that since Denmark could not hope to regain her fleet by continuing the war, but could merely put herself within the ambitious and destructive grasp of France, it was his duty as her friend, to advise her to forgive the recent injury, and return to neutrality again. As neutrality was now impossible since the French would not have suffer its restoration, this council was altogether unreasonable and impertinent, and only tended to widen the breach between the parties.*

The conditions of forbearance being now fulfilled, Alexander was urged by the French government to commence hostilities with England, and war was accordingly declared on the twenty-sixth of October. Great apprehensions were entertained of an attack, by the British fleet, on the great Russian arsenal at Cronstadt, and assiduous preparations were there made to repell it. Whether any such design was entertained we know not. The British government could hardly be insensible that Alexander's conduct was dictated by necessity, and that the transactions in Denmark would amply justify both his fears and his anger. Besides, the coasts of the British islands had nothing to apprehend from the spars and bombs treasured up in a Russian arsenal. The Russian squadron, however, which had sheltered itself under the tottering neutrality of Portugal, were blockaded by a British fleet.

It is by no means so easy to account for, and impossible to justify the war immediately commenced by Russia against Sweden, except upon the plea of reluctant submission to France, Ambition is, indeed, sufficient to induce any nation to wage war against another, when there is either glory or dominion to be gained by it, but in this case, the advantages arising from the co-operation of France and Denmark, could hardly outweigh the necessity of some breathing time, after the enormous slaughter and expenses of the war just terminated.

The causes of war are seldom to be found in the proclamations and diplomatic papers of the parties. In this case, 'tis most probable that war with Sweden formed an indispensible part of the price given for a peace with France. To the public, the Russian ministry were obliged to insist upon the obligation of the king of Sweden, in pursuance of treaties with Russia, to co-operate with her in maintaining the freedom of the Baltic against the maritime claims of Great Britain. As the last of these treaties was made in the reign of Paul,

* There is reason to believe that the British ambassador in Russia, lord G. L. Gower had too little caution and address for such a post.

and Russia herself had, since that time, not only receded from her maritime claims, but been engaged in warlike confederacy with England, and as, since the formation of these treaties, Denmark had been earnestly persuaded to co-operate with the same power, nothing surely could be more idle and impertinent than to complain of the refusal of Sweden to enter into war with England on this account. As Sweden was at war with France, and depended for her safety upon the ships and subsidies of Great Britain, and as matters between Sweden and Great Britain continued merely in the same state which had recently subsisted between the latter power and Alexander himself, they could not afford even a plausible pretext for resentment. They are stated, however, by the Russian government as motives for allowing Sweden no longer to remain neutral.

That part of the Swedish territory bordering on Russia, is a melancholy desert, incrusted with ice during four fifths of every year, overspread with lakes, bays and mountains, and refusing, for the most part, not only habitation, but even a thoroughfare to mankind. The only habitable or accessible part, lies along the northern coast of the Gulf of Finland, but even this is a dreary waste, where culture is scarcely known, and the population is equally indigent and scanty. This, however, was the only theatre on which the Russians could carry on this new war, and Finland was the only province which they could hope, by the most successful exertions to acquire, as the English ships in the Baltic, effectually debarred them from the use of that sea. A part of the army lately employed against the French in Poland, now engaged under Buxhowden, in an expedition against Finland, which they entered about the middle of February, eighteen hundred and eight. Their efforts to gain a peaceable reception from the inhabitants, were not likely to meet with much success. The nature of the country, in addition to several good fortresses, embarrassed their progress, and though Russia has leisure to bestow her whole attention and force upon this war, the military efforts of a whole year do not appear to have carried her troops an hundred and fifty miles along the high road to the capital of this province. We have accounts of innumerable skirmishes, but of no conclusive battles, and of attacks upon small posts, the loss of which was as little injurious on one side as the capture was beneficial on the other. The minutest attention to the scenes of this dilatory war, scarcely enables us to say on which side the scale at present preponderates, while the conquest of the whole of Finland would be of more importance to the pride, than to the real interests of Sweden. Every circumstance evinces the inexcusible folly of the contest, and which can be conceived merely as a game necessary to enliven the attention of minds, inaccessible to nobler stimulants.

CHAPTER II.

THE attack on Copenhagen was sufficiently disastrous to the Danish people, in its proper and immediate consequences. This, however, composed a very small part of the evils with which it was pregnant. By laying that nation under the necessity of accepting the alliance and admitting the armies of France, it made them virtually its subjects and slaves, and entailed upon it the evils of a perpetual but hopeless war. In war with England, Denmark could not possibly gain any thing but new mischief and distress. She afforded a stage for foreign armies to fight their own battles, while her own real independence was utterly extinguished.

Even this, however, was not the worst evil arising from her present situation. Her neutrality must now, at the pleasure of her new ally, be totally relinquished, and France, with armies in her bowels, will treat her as an enemy, unless she declares open war with all the enemies of France. Denmark, accordingly, under this irresistible impulse, united with those furious passions which the outrages of England had awakened, commenced a war with Sweden, on the twenty-ninth of February.

The public accusations of Denmark, with regard to Sweden, made on this occasion, amount to no more on the most liberal construction, than that Sweden did not think proper to resent the late attack of Copenhagen, but on the contrary, laboured to strengthen herself by new compacts and conventions with Great Britain, against the attacks of her ancient enemy; attacks which the new alliance of France with Russia and Denmark could not fail to render more formidable than ever. This defect of sympathy in her cause; this refusal to avenge the injuries of Denmark is all that French ingenuity is able to suggest to the Danish government, as public reasons for hostilities, and their imbecility is therefore easily and successfully exposed by the adverse or exculpatory rhetoric of the Swedish monarch.

This new war furnished new employment for the British navy. It was necessary to maintain a maritime force in the Baltic, not only to protect the English trade with Sweden, against the teazing and rancorous persecutions of the Danes, but to protect Sweden itself from invasion, on the side both of France, Russia and Denmark. The French armies hovered on the southern coast of that sea, at several points, ready to seize any momentary opportunity of passing a channel, in few places more than an hundred miles wide, and in many places less than ten miles.

With the aid of the British navy, Sweden had nothing to fear from France or Denmark, but as Norway, a Danish province, was contiguous to Sweden, Denmark had grounds for apprehension, from the co-operation of England and Sweden, from which the most numerous

armies of French auxiliaries could do nothing to relieve her. The only security of Norway consisted in the occupation which the invasion of the Russians afforded the Swedes; on their eastern frontier, is a lofty chain of steep and snowy mountains, which an army of invaders are obliged to pass, before Norway can be molested: in the fidelity of the people of that province to their ancient government, to which it was entitled by a wise and beneficent administration and to the disinclination of Great Britain to support the Swedes in any measure not strictly defensive.

The termination of all intercourse between the British and Prussian territories was an unavoidable consequence of an amicable intercourse between France and Prussia. Indeed the prohibition of the intercourse, by the Prussian government, which immediately followed the peace of Tilsit, was merely nominal and ceremonial, since all the coasts and harbors, from the Niemen to the Elbe, still remained under the military controul of the conquerors. France, however, was not satisfied without a similar prohibition with respect to Sweden. Accordingly on the sixth of March, all intercourse of every kind with Sweden, either directly or through the medium of neutral vessels; merchants or travellers was interdicted by proclamation.

The French government with a crafty policy, has edeavoured to cast the blame of a continued war on her rival, by instigating or compelling all her allies to make an offer of their mediation. As early as the eighteenth of April, 1807, the Austrian government had made an application of this kind to the British ministry. This offer was of course accepted. Nothing more was done. In the month of November following, a new offer of the same kind was made, by the same power, agreeably as was avowed to the desire of the Erench emperor, and no objection being made to the proposal, the Austrian minister, on the first of January, 1808, requested the British government to send its agents to Paris, and offered to supply the necessary passports without delay.

The former offer was accepted on condition that all the powers then engaged in the war would likewise accept it. It was now renewed without any allusion to this indispensible condition, and the offer was confined to England and her enemies, whereas Great Britain would consent to no negociation from which any of her allies were to be excluded. Another objection was made to the proposal, on account of the want of any document or voucher directly from the French government. It would have certainly been an idle and absurd proceeding, to have sent ambassadors to Paris, on the faith of so vague and equivocal an engagement. All that France sought for was a colouring sufficient to delude ordinary minds, for charging Great Britain with refusing to treat.

The attack on Copenhagen could not fail to raise the indignation of Austria as a neutral power. This sentiment, however, was not coupled, as in the Russian government, with any personal apprehension of like treatment. Austria is happily an inland territory,

since the loss of Venice and Flanders, for her only sea port is too inconsiderable to make its safety a topic of anxiety, or to entitle her to the epithet of maritime. Austria demanded of Great Britain, as the condition of future peace, retraction and reparation with regard to Denmark, and consent to a maritime peace on terms which Austria should deem reasonable. Those demands were of course slighted, and Austria, in pursuance of her new engagements with Russia and France, recalled her embassy from London, and declared all connexion between the two states at an end.

Thus it was that the opening of the year 1808, beheld Great Britain at open war, or at enmity with every European state but Portugal, Sicily and Sweden. A few months before, Austria, Denmark and Turkey, were neutral or friendly powers. Their neutrality was dictated by fear of France, and countenanced and favored by Great Britain. Russia, Prussia and Sweden were active and strenuous confederates, and exerted their whole military force in her cause. We are not to imagine, however, that the interests of Britain had the smallest influence on the conduct of any of her confederates, but as their interests respectively happened to coincide, they may be considered as fighting the battles of England. The scene was now dreadfully reversed. The French had subdued Prussia, and converted Austria, Russia, Denmark and Turkey into open and zealous enemies.

The allies which Great Britain still retained were of no value to her safety. They were weak and powerless dependants, who, instead of imparting any succour, required protection. Instead of props to her strength, they were painful and expensive burthens. The misfortune was likewise the greater, inasmuch as two of them, Sweden and Portugal, while they claimed protection could not be effectually protected. The British could do nothing to bar up the entrance of Finland against Russia, though they could deny the passage of the Baltic to the French. Portugal was so entirely defenceless that no attempt could be made to avert her destiny, as soon as Napoleon had leisure to pronounce it. Sicily by being encompassed with water, it was possible to protect, and a considerable military and naval force was stationed in its forts and harbors.

It is not to be denied that the trade of these nations was some compensation for the trouble of protecting or upholding them. This trade was augmented with regard to Sicily and Sweden by the exclusion of all other competitors, and Sicily was of no small value to England as a victualing place for Malta and Gibraltar, and the British squadrons in the Mediterranean. The recent occupation of Alexandria in Egypt augmented the dependance of Great Britain on the granaries of Sicily.

Both Sicily and Portugal were necessarily unmolested while the whole military force of France was exerted in Germany and Poland. Italy was a conquered country which the presence of armies was as necessary to retain as to acquire, and Naples was more liable to the predatory incursions of the British, than was Sicily to those of the French. Even Naples was as yet by no means effectually subdued,

end the turbulent mountaineers of Calabria, maintained a destructive war against the French. The Russians at the mouths of the Cataro, afforded some occupation to the French at the opposite extremity of Italy.

Though the peace at Tilsit by no means set at liberty all the armies engaged in that quarter, a considerable portion was allowed to effect the ambitious views of their master. The war on the Hadriatic was at an end, and the troops which it employed were now at leisure to extend and complete the French empire in Italy. It was to be naturally expected, therefore, that the popular waves in Calabria would speedily settle into a calm, and attempts be earnestly and strenuously made to drive the English out of Sicily.

The destiny of Rome, which had tottered and fluctuated so long, could not fail to be now, finally determined. Though this principality was occupied by French troops, and its revenues were chiefly employed in their support, the pride of irresistable power could not brook that the pontiff should possess any shred or remnant of political authority. The kingdom of Italy was erected, by the French, in pursuance of the fashion which now prevails of reviving the despotic and warlike systems of the sixth and seventh centuries. Greek and Roman liberty are phantoms which enjoyed their transient hour of idolatry at the opening of the French revolution, but are now succeeded by the imperial trappings and barbarous pomp of Charlemagne, and the iron crown of the Lombards. As a double title, and the union of emperor and king confer an imaginary dignity, which is wanting in a single name; as the emperors whom Napoleon has supplanted, were royal as well as imperial; as Italy when in possession of the Ostrogoths was called a kingdom: the vanity of the conqueror required the revival of those gorgious distinctions in his own person, and he accordingly created himself emperor of the French and king of Italy.

The kingdom of Theoderick included the provinces since subjected to the Roman pontiff. When Charlemagne, became titular emperor of the West he asserted the ancient supremacy of the extinguished empire over Italy. The complex interests of the time made it convenient for the Pope to recognize his pretensions so far as to accept the donation of some of the districts from his hands. This donation was wholly ineffectual, nor was it till after the lapse of many centuries that the pretended successors of St. Peter obtained full possession of his imaginary patrimony. Such however is the spirit of the present generation in France, that the donation of Charlemagne is gravely mentioned in diplomatic papers, and senatorial acts, and that the present sovereign finds it decent and becoming to represent his usurpation of the Roman territory as a mere assumption of the gift of his predecessor, and as a restoration of the kingdom of Italy to its ancient and lawful limits.

These pretensions and views do not explain the real motives of the conquerors. They are merely mentioned as evincing the mar-

vellous revolution which has taken place in habits and opinions among the French. Ordinary, vulgar ambition, was as much the genuine inducement, and military violence the instrument, in the revival of republics, as of kingdoms in Italy. The independence of France, enjoyed by the Neapolitan, Roman, Cisalpine, Ligurian, Helvetian, and Batavian republics, was just as groundless and fallacious as that possessed at present by the kingdoms of Naples, Italy and Holland. These nominal divisions will fall into oblivion, and descend as rapidly as they first arose. All these countries will melt into *nominal*, as they are already *real* members of the French empire; provided the course of events by which that empire was established do not suffer some great and sudden revolution.

CHAPTER III.

THE kingdom of Portugal is of no contemptible extent. It has a territory more than three times larger than that of the ancient Dutch confederation; twice as large as Bavaria, or Switzerland, and not inferior to the kingdom which that Frederick of Prussia who is called the Great inherited from his father. Portugal has a favorable soil and climate, it is situated in that part of Europe which received the earliest rays of modern civilization, the government is endeared to the people by its antiquity, its native growth, and an administration congenial to their habits, moral, religious, and political. A large portion of the country is rugged and mountainous, and therefore easily defended. There are at least half a million of hands qualified by strength and hardihood to defend it. It has extensive and opulent colonies, by which the energies that flow from trade and manufactures and extensive revenue appeared to be placed within its reach. Yet Portugal has been uniformly represented as destitute of any well organized military force, and incapable of those spontaneous exertions, which the mass of some nations are disposed to make against the tide of foreign invasion.

The political or national weakness of Portugal is a problem which political enquirers find it easy to resolve into the malignant influence of the Romish religion. Its priests, monks, and inquisition are, it is imagined, the true causes of its political infirmities. This notion is adopted by many in defiance of the plainest dictates of history and experience, which inform us that when that religion flourished with most vigour Europe was most turbulent and ferocious, and actuated most by the military spirit; that the greatest political energy and wisdom have been displayed, in all past times by the nations which were most devoted to it; that national strength is most naturally to be expected in countries where religious differences and disputes prevail the least, and that Portugal itself, when she transcended all the European nations in the commercial and military spirit; when she executed the most romantic projects of conquest and aggrandizement, and atchieved the most incredible exploits in navigation and trade, was as much devoted to that religion as at present, and even sunk much deeper into superstition.

Though Portugal must be accounted feeble, beyond what her soil, arts and population would lead us to expect, we may nevertheless, overrate that weakness, in consequence of judging by comparison, France and Spain, her nearest neighbors, would be much more powerful than Portugal, if their force bore no larger proportion to their territory than we find it bears in that kingdom. That Portugal, therefore, would be in imminent danger of destruction in a contest with either of these powers, and especially with both of them uni-

ted, is an obvious consequence of the inequality of territory. And yet with regard to one of these powers there is no doubt that the relative strength of Portugal is as great, if not greater than that of the Spanish monarchy. The difference in this respect is glaring only when Portugal is compared to France or Great Britain. Her actual inferiority to either of these ought to be great, if her proportional inferiority were nothing, but her proportional inferiority is undoubtedly very great.

The preservation of Portugal from foreign conquest, like that of Venice and Saxony, during half a century, has been ascribed to the equipoise subsisting between her powerful neighbours. Though France, Spain, Holland, Austria, Prussia or Great Britain would, each of them, have gladly swallowed up these petty states, neither of them would quietly look on while the prey was seized by another. The aggrandizement of an enemy operates as a loss or diminution of our own strength, and the same spirit that would lead Great Britain or any other power to annex Portugal to her own empire, urges her to rescue Portugal from being absorbed by a rival.

The security of Portugal was in no visible danger between the date of the ineffectual attempt made upon her independence by France and Spain, in seventeen hundred and sixty, and the close of the first war carried on, under the auspices of Bonaparte, against Austria. Since that period, the influence of France in the Spanish councils has been continually growing more despotic, and her triumphs over Austria, Prussia, and Russia have continually diminished the necessity of moderation or caution in her treatment of Portugal. Portugal has been violently importuned to forsake her neutrality, and has been compelled to purchase it by vast pecuniary contributions. The successful close of the last war with Austria, enabled France to prosecute her ambitious views with respect to Portugal, with still less reserve, and her recent triumphs over Prussia and Russia, put an end altogether to this reserve. If any check could be supposed to operate against her projects, from the iniquity of violence, committed on an unoffending state, it vanished when the attack on Copenhagen was known. Retaliation became then the sovereign impulse and avowed law, and no apology was necessary for pursuing the footsteps of her enemy.

Whatever views might have been entertained by the French emperor against the independence of Spain, at the close of the Russian war, they appear to have been postponed till the long meditated conquest of Portugal was completed. The co-operation and assistance of Spain was necessary to this project, because Portugal is encompassed by the Spanish territory, and the great barrier of the Pyrennees contributes to the safety of Portugal, as long as Spain is desirous of her preservation. The connivance of Spain, therefore, was to be purchased by consenting to share with her the spoils of the vanquished.

The kingdom of Spain has long been under the domination of a minister, who, from the lowest rank has been exalted by the caprice

of fortune to the pinnacle of human grandeur. This personage is Manual Godoy, the prince of peace. In such cases the good will of a powerful ally is necessary to the interests of a royal favorite, and the good will of the favorite is no less useful to the foreign state. Mutual assistance is purchased by mutual favors. The influence of the present favorite, over a prince verging upon idiocy and dotage, enslaved by the most ridiculous passions and devoted to the most childish pursuits, was boundless and despotic, and therefore eminently useful to a foreign power. The disgust and resentment of the nobles, and the hatred of the royal family, are generally proportioned to the low origin and great exaltation of a favorite, and rendered the countenance and support of the French of the utmost importance to the Spanish minister. It was in consequence of these circumstances that, in a treaty, secretly ratified at Fontainbleau, between France and Spain, on the twenty-seventh of October, eighteen hundred and seven, a treaty by which the parties declared, without putting themselves to the trouble of justifying their purpose, that Portugal shall be conquered by their joint force, a portion of that kingdom, equal in extent to about one half, lying on the south, and at present divided into the provinces of Algarve and Alentcho, was to be assigned, in absolute sovereignty, to the prince of peace. This gift was to wear the shape of the feudal donation or investiture from Spain to Manuel Godoy and his heirs; but, on failure of heirs, it was not to revert to the Spanish crown, but to be again immediately granted to some other, on like conditions. By this stipulation, which France never intended to fulfil, the ambition of the favorite was gratified, and his countenance obtained; nor does it appear that any further concession was necessary for the purpose. The donation of another province to the king of Etruria cannot be considered as a favor to Spain, because Etruria itself was in consequence, to be transferred to France.

Tuscany, which forms the most valuable portion of Italy, was, till the French revolution, and after the extinction of the Medicean house, an *apenage* or temporary kingdom, given to a member of the Austrian family. Austria was obliged to resign it to France, and it was given to a Spanish prince under the name of Etruria, in exchange for the principality of Parma. By this treaty, Etruria was again to be assigned to France, and the prince was to enjoy in exchange that part of Portugal which is *entre Minho and Duero*, under the title of Northern Lusitania. This province is scarcely equal in extent to one third of Etruria, and bears a much less proportion to it in population, fertility, and riches.

The king of Northern Lusitania and the prince of Algarva* were to acknowledge Spain as their protector, and to make no peace or war without her consent. The seperation or independence, there-

* The province of Algarba was divided into two kingdoms in the Moorish or Arabian times, whence, at this day, it is called, technically or officially the kingdom of the two Algarbas.

fore, of these states, had all compacts been executed was merely nominal. Of the rest of Portugal, including the capital, the destiny was left to be settled at a general peace. To whomsoever it should then be given, the same conditions, the same dependence upon Spain were to take place with regard to these districts as had already been agreed upon respecting Algarba and Northern Lusitania. In the mean time these districts were to remain in possession of the French.

The means by which Portugal was to be reduced into the form designed, was settled by the treaty. An army of fifty-six thousand men, was to be dispatched on this service. Sixteen thousand Spaniards under Spanish generals, were to be directed to this quarter, of which ten thousand were to attack *Entre Minho and Duero*, and six thousand were allotted for the conquest of the Algarves. Thirty-three thousand French and eleven thousand Spanish troops, under French command, were to compose the army directed against Lisbon and the middle provinces. This force was very formidable. If there were not sufficient reasons for securing success by the multiplication of means, we might be inclined to consider the conquest of Portugal as by no means an easy task, in the apprehension of the assailants. Some opposition against which it was proper to provide, might have been expected from England. Such, however, were the stipulations of the treaty. There is reason to doubt whether half that force was actually employed by the assailants, in Portugal.

The colonies and foreign possessions of Portugal could not be gained by any exertion of military force on the eastern side of the Atlantic. The parties in this treaty could not flatter themselves with the acquisition of these provinces. They forbear, therefore, for the present with commendable caution, the making of any particular division of the Portuguese dominions in the east and west, and content themselves merely with agreeing that the partition, when made, shall be equal.

To gratify that avidity for titles, which is strongest in weak minds, and is not weak in the most enlightened, the French promise to recognise the right of the Spanish monarch to the title of emperor of the two America's,* when it shall be convenient to assume it. Meanwhile he guarantees his present dominions south of the Pyrenees to that monarch.

From this formidable combination what refuge or asylum could be found by the feeble and timid government of Portugal. All military opposition, with their native force, appears to have been renoun-

* Some, in the United States, have fancied this agreement to imply a promise to make war upon this part of North America and surrender it to Spain. Such reasoners forget that the stipulation is merely to recognize a *title* justified by the actual dominions of Spain in *North* America. France has colonies even in South America, which she certainly intended not to renounce by this treaty, and even here stipulates for half of the Portuguese dominions in the same quarter.

ced without deliberation. Great Britain appears to have regarded any effort to repel the invasion, by means of an auxilliary army, as equally hopeless and chimerical.

It was now that one of the most memorable consequences of the discovery and colonization of America was to take place. Brazil, the Portuguese colony in South America, had, gradually, in the course of three centuries, risen to an importance in population and riches, which bore no contemptible comparison with those of the parent state. Brazil was destined, in time, to swell into twenty times the political magnitude of Portugal, and to become the head and not the subordinate member of that body composed by their union. At that period the order of reason and nature would demand the transfer of the seat of government to the American empire. That period is yet at some distance; but the progress of that colony is already such, that the emigration of the government thither, though compulsive and involuntary, can scarcely be considered as an exile. Ancient habits and local attachments, which would have delayed the emigration, when the grandeur and opulence of Brazil would have made it necessary or expedient, may be considered as the chief obstacles at present. These obstacles appear, indeed, to have been very powerful. The ruling prince regarded this alternative with extreme reluctance. He would never have embraced it if he had apprehended less than dethronement, captivity, and perhaps death from the invaders. As it was, irresolution and delay would have been fatal to this project, if the urgencies, and even threats of the British government, and the powerful protection of their navy had not impelled him to the execution.

It is not to be supposed that the French or Spanish government apprized that of Portugal with the terms of their treaty, which allotted dethronement and captivity to the royal family. Their emigration to America, by which the colonies would be placed irretrievably beyond their grasp, and thrown into the power of Great Britain, was a misfortune to be laboriously prevented. All the demands made upon Portugal, and to enforce which, the invading army was said to be intended, was merely the exclusion of British commerce, and the confiscation of their property. As the danger became more imminent, the Portuguese prince was compelled, though with extreme reluctance, to consent to the first of these conditions. In consideration of the visible necessity, this hostile act was overlooked and permitted by the British government. The evils of confiscation could be eluded by the timely departure of the British merchants, and this had likewise been submitted to; if by this allowance, Portugal could have been rescued from the presence of a French army.

CHAPTER IV.

THE mode by which the French government communicate their designs with such reasons as are suitable for publication to the nation at large is, through the medium of a report from a minister of state to the emperor. In one of these reports, dated on the twenty-first of October, eighteen hundred and seven, the resentment of France against Portugal is attempted to be justified by the ridiculous pretence that to suffer the visits of British ships at sea is equivalent to unresisted invasion of our territory, and that a state which allows these visits has broken its neutrality. The minister likewise pleaded that the British squadron, bound for La Plata, touched at Janeiro, and received supplies from the ports of Brazil; that the fleets employed in the Mediterranean, in defending Sicily and attacking Turkey, were likewise entertained and victualled in the Portuguese harbours; and that a French consul at Taro, had been imprisoned and exiled by the Portuguese government, which delayed reparation for the outrage during three months.

The minister complained, as of a flagrant injury, of the reluctance and delays of Portugal to enter into war with England; delays by which the English were enabled to escape the worst effects of an edict of confiscation. With that contempt of truth and equity, by which all diplomatic papers, and the conduct of nations, collectively are universally distinguished, the minister concludes with declaring that Portugal has driven the emperor into war, in spite of his benevolent intentions towards her: that war a painful duty, is imposed upon him by the interests of the continent.* That the interests of the continent, from which the British *ought* to be excluded, forces France to declare it. The march of the French and Spanish armies towards Portugal, in October, threw that court into the greatest consternation. They were willing to save themselves by any concession, from the inpending blow, but the British ambassador, lord Strangford, gave them no hopes of pacific treatment from Great Britain, should all the demands of the French be complied with. He urged the regent to withdraw from Portugal, to retire to Janeiro, and offered the protection of a British fleet on the passage, and the cordial alliance of the nation, on his establishment at Brazil. He set before him in the strongest colours, that his enemies would now be satisfied with no concession; that his person would be treated by the

* *The interests of the continent, the cause of the continent*, is a standing topic of French rhetoric. By this means they contrive to represent peace with Great Britain as adverse to the interests and injurious to the honour of the nation who maintains it. To set things on their true basis and vindicate this injured honor, they thought proper to overrun the neutral country with a French army, and reduce it into servitude to France.

invaders as that of a criminal, and his territories be conquered and divided between them; that should he proceed any further in edicts hostile to Great Britain, she would think herself obliged to prevent the French from gaining possession of her ships of war, by seizing them herself, and to treat the coasts and harbours of Portugal as those of an open enemy.

As war with England was a much less evil than the possession of his territories by the French, the prince hesitated only from the apprehension that he should not escape from the last, by voluntarily incurring the former injury. Attachment to his native country, aversion to a long and uncertain voyage, the certain loss of his European territories which would follow this voyage, pleaded strongly for his stay, and disposed him to rely upon the professions of France. On the other hand his fears for his personal safety, his distrust of the intentions of his enemy, his apprehension that no concession would rescue his kingdom from conquest and himself from deposition and captivity, urged him to embrace the offers of the British.

These fluctuating views continued till the eighth of November, when the prince signed an order for seizing the property and persons of the British. This order was of little consequence to the interests of that nation, as the apprehension of this event had induced them to make use of timely precautions for their safety. As this was the limit prescribed for the forbearance of the British government, its minister withdrew, on the seventeenth, to a squadron, under sir Sidney Smith, which had arrived a few days before at the mouth of the Tagus. A rigorous blockade of the port of Lisbon immediately commenced, and preparations were made to anticipate the invaders, by the seizure of the Portuguese fleet. The naval force of Portugal, collected at Lisbon, consisted of twelve ships of the line and eight frigates. Three of the former and the same number of the latter were unserviceable, but almost all the rest were fit for sea.

On the twenty-seventh of November, the British ambassador returned, in a flag of truce, to Lisbon, and made his final proposal, that the fleet should either be surrendered to the British, or employed in conveying the royal family to America. By this time the court appears to have obtained such evidence of the intentions of the French as left them no inclination for further delay. In three days afterwards the royal family embarked, and with a fleet of eight sail of the line, four large frigates, and smaller vessels to the number, in the whole, of thirty-six, in conjunction with the British squadron, made sail for South America.

We are not accurately informed of the extent of this memorable emigration. How far it included the clergy, nobility, or burghers of the kingdom, and their moveable property. So large a fleet was capable of accommodating a vast number of persons, and an immense mass of personal property; but a more intimate acquaintance with the state of Portugal, and the relations which subsisted at that time between the parent country and the colony, than a distant observer can hope to obtain, is necessary to enable us to determine how far

these opportunities were seized by the higher classes of the people. The emotions and conduct of the people on this extraordinary event were, no doubt remarkable; but we know only that no serious opposition was made to this removal by those whom chance or necessity compelled to remain behind. On the day previous to his sailing, the regent, by a proclamation, acquainted his subjects with his intentions, and appointed a council to govern Portugal in his absence.

In consequence of this emigration we now see an independent European kingdom in the southern, as we had previously beheld an independent European state in the northern portion of America. This must be considered as the second, as the establishment of the northern states was the first step in that memorable series of events which shall separate the eastern from the western continent. A long civil war was the means by which the first separation was accomplished, but the second has appeared to be perfectly tranquil and pacific in relation to the colony itself. Whether this revolution will be permanent depends upon many circumstances not within the reach of human foresight. It is highly probable, though not quite certain, that the court will return to its ancient seat, if the chances of war should, in a short period, free the country from its invaders. We can hardly expect to witness that portentous novelty, a district in Europe politically dependent on a government whose seat is in America. The longer the deliverance of Portugal is delayed, the return of the government to Europe becomes less probable, as habit will endear to the royal family their new abode, and while it diminishes the ties between them and Europe, strengthens those which connect them with America.

The influence of this revolution on the internal state of Brazil, cannot fail to be very considerable. That authority by which all the officers of government were appointed, no longer resides in another hemisphere. That policy, by which every part of government was administered, with a view to maintaining the dependence of the colony on Europe, must now cease. In pursuance of that policy, all offices were formerly filled by natives of Europe, who cherished a tender attachment to a remote country, and sought office and emolument in this with no view but to enjoy the fruits of them elsewhere. An immense mass of gold and gems was annually remitted to Europe, without any equivalent, and consumed by the prince, in such a way as to make it operate like tribute paid to a foreign hostile state. But these obstacles to internal prosperity are removed by this singular revolution, and new sources of trade and commerce are opened, by the strict alliance which necessity compels the new state to maintain with Great Britain. We may reasonably conclude, therefore, that the change is highly auspicious to the colony; and however ardently the emigrants may long to return, the Brazilians themselves have the strongest reasons for deprecating those events which shall place Portugal in the hands of its ancient masters.

CHAPTER V.

THE French and Spanish troops appear to have met with no opposition whatever in their march into Portugal. The principal cities, Oporto and Lisbon, were gained without parley or capitulation, and the remoter districts submitted without raising an arm, to and commissaries of the conquerors. The portuguese fleet had scarcely lost sight of land, before the French army under Junot, entered the metropolis. The usual oppressions of a military government, in the compulsory maintenance of a large army, were immediately experienced by the people of Lisbon. The invaders were distributed in private houses, whose inhabitants were obliged to furnish them with lodgings, food and light. Though more was occasionally exacted from the people; this seems to be the whole that was publicly demanded. The burthen consequently was infinitely less than if provisions were likewise to be supplied. It is impossible, however, at a period so near, and a situation so distant, to know exactly the system which the French adopted in their treatment of the people.

When a state is desirous of establishing a permament dominion in a conquered country, the true method of proceeding seems to be extremely obvious. The people are to be treated as subjects, not as enemies. Their civil institutions and municipal laws are not to be suddenly or violently disturbed. Any innovations which may be useful at once to the new subjects and the new masters, but which are abhorrent to the prejudices of the former, are to be gradually, cautiously, and covertly introduced. With regard to public contributions, the ordinary taxes will, of course, be levied by the conquerors, but they will not greatly or suddenly augment them, because this is not to govern but to pillage and despoil the people. They are treated as irreconcilable enemies, and a temper corresponding to such treatment, cannot fail to be implanted in their minds.

Whether the French government intended to appropriate this country to themselves, or whether they thought it practicable to effect this purpose it is difficult to determine. It is certain that they acted as if their possession was temporary, and as if it was their interest to turn into their own coffers the whole property of the people. Their ingenuity in draining a conquered country of its riches, and converting the spoil to the benefit of the head of the army, or of the state, has never been equalled in any former time. If the soldier is restrained from pillage, it is that his leaders may enjoy a larger share; and if houses are not sacked and burnt in the first moments of invasion, it is that a more regular inquisition and more methodical demands may glean the field more effectually.

No sooner had the French forces become masters of the districts which the secret treaty had allotted to them, than they proceeded to levy pecuniary contributions on the people. In the first place the regular excise upon horses, mules, and servants was doubled, and made payable immediately. All tenants and owners of houses were compelled to pay half the actual or valued rent. All proprietors of land were made to pay double tythes. The property of the military orders was called upon for two-thirds of their income. One-third of the invoice value, of all English manufactures was exacted from the holders.

To evince the regard of the conquerors for the religion of the country, all gold and silver of the churches or religious corporations, except such silver vessels as they should deem absolutely necessary to the decency of worship, were required. All prelates and superiors of religious orders were made to pay two-thirds of their annual income, and three-fourths if their income exceeded eight thousand dollars. Two thirds of their income was exacted from the parochial clergy, whose livings produced between six hundred and nine hundred dollars per annum, and three-fourths when the income exceeded the last mentioned sum. In addition to these exactions, more than twenty millions of dollars were raised by assessment on the people at large.

From some exceptions made by the French, it is evident that their march through the country was attended with dreadful devastations. Some part of these enormous burthens is not imposed on the districts traversed by the army in its approach to Lisbon, on account of their previous sufferings from the soldiers.

The Portuguese nation was thus suddenly exposed to all the miseries of invasion and pillage; but this evil was greatly aggravated by the hostile proceedings of their former ally. Lisbon, the metropolis and great emporium was strictly blockaded by a British squadron, and their commerce, by which the nation had hitherto partly supplied itself with its daily bread, was wholly at an end. As Great Britain had hitherto been a greedy market for the staple and principal productions of Portugal, as British manufactures had hitherto supplied their most necessary wants, we may easily imagine the miseries that overspread the country, in consequence of the total cessation of so beneficial a traffic. While the exportation to England was suspended, the naval force of that nation prevented any substitute in a trade with the French empire.*

* Private and anonymous information is so vague and deceitful, that no conscientious historian will venture to rely on it. On this occasion all our intelligence, of this kind, passes through an English channel, and is liable, therefore, to be perverted by the natural prejudices of an enemy. We have, in a printed form, a vast mass of intelligence respecting the conduct of the French in Portugal, and the sufferings of the people. The blockade of Lisbon is said to have even produced a famine in that capital, and the French, we have been told, were ready to depart, on account of the difficulty of subsistence. All this, however, was no less inconsistent with probability than with subsequent experience.

The deliverance of Portugal, by any other means than a general peace, was quite improbable. Even this event was not likely to effect it, because Great Britain would not be easily induced to surrender any of her own conquests, in exchange for the restoration of a state which was unable to maintain its own independence, and which might always be reconquered by a sudden inroad of its neighbours. Malta, Trinidad, or Gibraltar, by being put in the balance against this kingdom, would merely be thrown irrevocably away, for Portugal would be easily regained by those who should resign it; but Malta or Gibraltar would be gone never to return. Any regular military efforts by the British nation to expel the French were wholly desperate, while the conqueror was at leisure to pour in new armies, and raise his numbers to any degree of superiority which he might deem convenient. While Spain was obliged to co-operate with France the avenues were always open, and what revolution could be looked for in the relations between France and Spain, but such as would increase the subjection of the latter? Large armies of French were now in garrison in the strongest places of that kingdom: almost all the regular forces of Spain were employed in remote wars, blended with superior numbers of the French, and under the command of French officers. For many years the soldiers and treasures of Spain had been consigned to French hands, and if no jealousy, suspicion, or resistance had been made to France, when her armies were employed in a dangerous and doubtful conflict at a distance, how little reason was there now to suspect any hostile movement, when Spain was actually over-run by French troops? It was even the interest of the enemies of France to check or stifle any tendencies to revolution in the Spanish councils, because they could only end in the utter subversion of that kingdom, and the reduction of it to the state of provincial servitude to France. Spain was, at present more in the hands of France than Portugal had been prior to the late revolution; but since Portugal had done nothing to avert its ignominious destiny, what could be expected from Spain, whose political infirmities were

With respect to the emigration of the government, we have been told that the principal officers of government, and many of the nobility accompanied the royal family. That no serious intention to emigrate was harboured by the government till the twenty-fourth of November; the embarkation, in consequence, was effected in great haste and confusion; the vessels were very imperfectly manned and victualled, and the royal and noble passengers had time to carry away only the most valuable of their moveables. The prince is said to have carried away diamonds to the value of an hundred millions, and specie and plate to the amount of thirty millions of dollars. Neither of these estimates is improbable. The personal character and feelings of the prince and his family, by which, principally, his conduct was dictated, with the intrigues and contentions of the adherents of France and England in his cabinet, are necessary to be known, in order to form adequate conceptions of this great event: but these will be the inheritance of a future generation. Volumes might be filled with plausible inventions and gossiping surmises, but though more entertaining than the meagre narration we are obliged to give, they would contribute nothing to our instruction.

not less, and whose actual disadvantages were greater? The vanity of human foresight, however, was never more conspicuous than on this occasion; since, in the short period of six months the world were astonished witnesses of an unanimous and spontaneous insurrection in Spain against the domination of the French, a strict alliance between that nation and Great Britain, the evacuation of Portugal by the Spanish troops, and such a formidable opposition prepared as required the whole military force of France to subdue.

Notwithstanding the defection and hostility of Spain, the French army in Portugal were sufficient to retain that kingdom in subjection. The Spanish insurrection appeared as yet but in its rudiments. They were sufficiently occupied in attempting to dislodge the French troops from the towns and fortresses in their possession. The French likewise found ample employment in maintaining their actual footing, and could spare no part of their force to relieve or reinforce the army in Portugal.

CHAPTER V.

THE British government made haste to profit by the present opportunity to expel their enemy from Portugal. Ever since the capitulation of Copenhagen, they had kept a large military force in instant readiness for foreign expeditions, and in occasional attempts to co-operate with Sweden against Russia; and to gain the Spanish fortresses in Africa, opposite to Gibraltar. Various circumstances had frustrated these attempts or induced the commanders to relinquish them, till the new aspect of affairs in Spain opened the way into Portugal.

The English government appears to have been wholly misinformed as to the actual number and condition of their enemy in Portugal, or of the aid which might be expected from the Portuguese, either in soldiers or provisions. By some of their officers, the French army at Lisbon, was reported scarcely to exceed four thousand men, while subsequent intelligence represented the whole French force as amounting to fifteen thousand, twelve thousand of which were collected at the capital. Neither of these statements, however, proved to be large enough. The Portuguese naturally exagerated their own zeal, numbers, and equipments, all which proved, in the issue, to be of little or no consequence to the British cause.

The army employed on this occasion arrived at the scene of action from different quarters and at different times. A body of nine thousand men, under sir Arthur Wellesley, sailed from Cork on the twelfth of July. The British government were unable, from their ignorance of the real state of Portugal, to give any precise orders to this commander. The principal design appears to have been the attack of the French on the banks of the Tagus. General Wellesley was left very much to the guidance of his own discretion, not only as to the time and place of action but even whether the Spaniards at Asturia or Gallicia, or the Portuguese should be assisted. After reaching the coast of Biscay and Gallicia, he found the people of these provinces in want of no immediate succours, and that their chief apprehension arose from the opportunities which the position of their enemy in Portugal possessed of assailing and annoying them on that quarter. He therefore proceeded along the coast, and finally landed at Montego bay, at no great distance from the Tagus, on the last of July.

Sir Hew Dalrymple had been sent with an army to dispossess the Spaniards of the fortresses they held on the coast of Africa. The strength of these fortresses had combined with the recent changes in Spain to induce him to relinquish this object, and on the fifteenth of July he received orders to repair to the coast of Portugal with ten

thousand troops, and to take upon him the chief command. He did not, however, embark for this purpose till the thirteenth of the next month, nor arrived on the coast of Portugal, till the nineteenth of August.

Sir John Moore was likewise ordered to this scene with a considerable army, but neither of these commanders disembarked till after the transactions had occurred which determined the fate of the expedition.

Wellesley was induced by the expectation of reinforcements, both from England and Portugal to remain at Montego bay till the tenth of August. He then directed his course towards Lisbon, with a force of twenty one thousand, of whom twelve thousand and four hundred only were British troops. Six thousand were Portuguese, and half that number were Spanish auxilliaries. The French appear to have made no opposition to their progress till they reached Caldas, on the fifteenth of August. The next day the possession of a village called Brilos, was contested by detachments from the two armies. The French, however, relinquished the contest and permitted the British to advance. The first encounter worthy of notice took place at Raliea on the seventeenth. This is an eminence at the upper side of a valley, to the lower end of which the British had already arrived. The French were stationed on this eminence and lined it, as well as on the heights which skirted the valley in considerable numbers, and prepared in this advantageous situation, to arrest the further progress of the invader. The British prepared, by removing this obstacle, to gain possession of several passes or defiles led among the mountains behind the French.

The French appear to have retreated from all these stations in the valley and the bordering hills without a battle, but prepared to defend the defiles in the mountains. These passes were difficult of access, and the defence of some of them is said to have been obstinate. The French, however, were successively driven from them all, and the British were enabled to resume their march. The French force represented as amounting only to six thousand, were greatly inferior to the assailants, who, however, represent a small portion of their army as being actually engaged. The English were extremely deficient in cavalry, in which the French abounded, and cavalry which is of little or no use in gaining battles in hilly countries, is of the greatest importance in augmenting and completing the defeat. Two hundred and fifty men and horses were killed, wounded or missing in the British army on this occasion.

The march of the British was not seriously obstructed or molested again, till the twenty first of August. They were, on that day, posted on some hills encompassing a valley, in which the village Vemeira is situated, and through which circulates the river Macera. These hills appear to have been considerable eminences, and extremely favourable for resisting an assailant. As the invaders were now within miles of Lisbon, the French were under the necessity of determining whether they would await the approach of the enemy, and

prepare for a siege, or make some effort to disturb or destroy him at a distance. They embraced the latter resolution, and marched towards him with the larger part of their forces. The two armies appeared in sight at eight o'clock in the morning of the twenty-first of August, and after many violent and desperate attempts of the French to dislodge the English from their posts, the assailants were obliged to retreat with great loss.

The French, after this repulse, had evidently but one course to pursue. They had made as vigorous an effort as their circumstances would permit, to cut off the invading army before its numbers were increased by reinforcements. Sir Hew Dalrymple with the troops from Gibraltar had already landed, while the army of Moore was hourly expected. All further efforts to prevent a siege were therefore hopeless, and a siege might be protracted by skill and courage, but must inevitably terminate in capture. A retreat, by land, into Spain, through a hostile territory, was rendered ineligible by the situation of their countrymen in that kingdom, while the outlets by sea were guarded by the British squadrons. The besiegers could derive no supplies from their allies, the Portuguese, but their vicinity to the sea enabled them to draw necessaries, of every kind, from their ships; while the French army and the vast population of the capital, would speedily exhaust their magazines. They, therefore, the day after the battle, proposed the evacuation of Portugal, the terms of which were finally settled on the thirtieth of August.

By this treaty, the French agree to surrender all that they held in Portugal; and the British agree to transport them, with their arms and baggage to France, with immediate liberty to serve. The French reserve all their own artillery, with its horses, and a certain proportion of ammunition, all the equipments and army property, and the liberty of disposing of their private property. All Frenchmen, or their allies, in Portugal are to be secured in person and property, and no Portuguese partisan of France is to be molested or endangered. The French very generously forbear to exact any further payments from the Portuguese.

The Russian ships in the port of Lisbon consisted of one eighty-gun ship, six seventy-fours, two of sixty guns, and one of twenty-six guns, manned with upwards of five thousand six hundred men. The treatment due to these ships was a matter of considerable delicacy. The defection of Russia at the peace of Tilsit, had never excited any real animosity in Great Britain. That government, therefore was not indisposed to measures tending to conciliation and forbearance. The French, on the other hand, were anxious to procure the most favourable terms for the Russian squadron. They required that it should be treated as an enemy in a neutral port, or that it should be suffered to depart without molestation. The utmost, however, that the British admiral, sir Charles Cotton was willing to grant was, that these ships should be held by England as a deposit, to be restored six months after a peace with Russia, while the men should be conveyed immediately, and not as prisoners of war, to their native country.

When intelligence of these successes arrived in England, the nation received them with the utmost exultation. The national vanity, which arrogated superiority by land as well as sea over the French, had been somewhat humbled by the victorious progress of their rivals, during so many years. The reverses which had attended their arms, in Holland and America had lowered their confidence in their own prowess, much more than their successes in Egypt and Naples had exalted it. The present event was joyful in proportion as it exceeded their expectations.

From victories which were considered as signal and absolute the popular enthusiasm naturally anticipated the total destruction or unconditional surrender of the French army; when, therefore, the news arrived of the convention just concluded, all ranks were seized with rage and indignation. The exultation produced by the victory was instantly succeeded by emotions suitable to a total and shameful defeat. As the victory was gained by Wellesley and the convention ratified by Dalrymple, and as rumours began to circulate that the conqueror objected to the terms, the flame of discontent was blown into fresh ardor, and nothing less than senatorial censures, ignominious trials, and condign punishments seemed to await the unfortunate commander in Portugal.

A stipulation that the French should retain every thing that bore the name of private property, after seizing all goods which they chose to consider as of British manufacture, with the greater part of the precious utensils employed in the service of religion, and after levying enormous contributions in money, not to mention the obscure robbery and extortion committed without any public warrant by officers and soldiers, and which dreadfully multiplied after the terms of the convention had secured to them their spoil, could not but affect the inhabitants of Portugal with the deepest vexation. They overlooked the ruinous consequences of a siege to their capital, or fondly imagined that the French would have submitted to harder terms had they been imposed. The magistrates of Portugal and the Portuguese ambassador in London, remonstrated, with great earnestness, against executing the convention. They were seconded by the clamours of the people, nor did the government conceal its disgust and displeasure at the tenor of the treaty; but the evil was now past remedy. Good faith compelled them to fulfil the contract of their officers, nor could they do more than promise enquiry and punishment.

It was remarkable that the bickerings of the two allies and the discontents of the British people, converted the surrender of Portugal into something like a triumph to France. Though a valuable kingdom was thus rapidly and fully conquered by their arms, though France had thus been foiled on the continent which she boasted to be the theatre of victory and conquest, and where she had so often defied the encounter of her adversaries, yet to have escaped, without being stripped and made prisoners, gratified the pride of France as long as it mortified that of the British.

The public authority in Portugal was exercised in those places which had been abandoned by the French and Spaniards, by councils

and committees composed of eminent ecclesiastics or the ancient magistrates, under the name of juntas. The regency appointed by the Portuguese government at the time of its embarkation, was not reinstated in authority till after the recovery of Lisbon. In the mean time, it was hardly possible that the disgust given to the Portuguese by the terms of the convention, should not be aggravated by those acts of military authority which the victorious army occasionally performed. The British were regarded by the people of Portugal as auxiliaries, who were bound merely to re-establish the native government. Whatever did not rigidly conform to this view of things, was considered as treachery and usurpation, and encountered with secret murmurs or clamorous remonstrances. The difference, likewise, in manners and religion between the foreigners and natives contributed still further to excite animosity between them.

Bickerings and dissentions of this kind are unavoidable, in all such cases. They do not appear to have been formidable in the present case, which can only be ascribed to the helpless situation of the Portuguese, and their absolute dependence for protection, on the continuance of the British troops among them.

The conduct of the British commander in Portugal was not so culpable, when viewed in the most unfavorable light, as to expose him to a court martial. Certain officers, however, were appointed by the government to constitute a court of enquiry, by whom the transactions in Portugal, underwent a scrupulous and regular examination: The court consisted of the generals Nichols, Nugent, Pembroke, Heathfield, Dundas, and Moira. They were convened at Chelsea on the first of November, and made up their final report on the twenty-seventh of December. The judges, on this occasion, as might have been expected, in a case where the rectitude of a mere opinion, built upon a multitude of considerations, and guided by conjectures of future, as well as estimates of present circumstances, were widely different. Six of the judges approved of the armistice, and only one, the earl of Moira, condemned it. Three of them approved of the convention, and three disapproved; but they all agreed that the error committed, was not of a criminal nature or such as to expose the author to military punishment, or even trial.

The British government seized the opportunity afforded them by this sentence, to express the strongest disapprobation both of the armistice and the convention. They describe these instruments as injurious to Great Britain, in the injury which they inflicted on the Portuguese and Spaniards. No inconvenience arising from protracted operations against Lisbon, either to the British army or the inhabitants of that capital, is considered as sufficient to outweigh the disadvantage of suffering the French to carry away their plunder, and the privilege of immediately serving in Spain. The commander is likewise severely censured for delaying a communication of the armistice much longer than was proper and convenient when the due punctuality and dispatch in that particular might have prevented some of its injurious consequences.

APPENDIX.

OFFICIAL PAPERS RELATIVE TO THE EVACUATION OF PORTUGAL BY THE FRENCH ARMY.

No. I.

Letter from Sir H. Dalrymple to the Secretary of State, received September 16, 1808, *containing the Armistice and Convention.*

Cintra, September 3, 1808.

My Lord—I have the honor to inform your lordship that I landed in Portugal, and took the command of the army, on Monday, the 22d of August, the next day after the battle of Vimiera, and where the enemy sustained a signal defeat, where the valor and discipline of British troops, and the talents of British officers were eminently displayed.

A few hours after my arrival, general Kellerman came in with a flag of truce from the French general in chief, in order to propose an agreement for a cessation of hostilities, for the purpose of concluding a convention for the evacuation of Portugal by the French troops. The inclosed contains the several articles at first agreed upon and signed by sir Arthur Wellesley and gen. Kellerman; but as this was done with a reference to the British admiral, who, when the agreement was communicated to him, objected to the 7th article, which had for its object the disposal of the Russian fleet in the Tagus, it was finally concluded that lieut. col. Murray, quarter-master-general to the British army, and general Kellerman should proceed to the discussion of the remaining articles, and finally to conclude a convention for the evacuation of Portugal, subject to the ratification of the French general in chief, and the British commanders by sea and land.

After considerable discussion and repeated reference to me, which rendered it necessary for me to avail myself of the limited period lately prescribed for the suspension of hostilities, in order to move the army forward, and to place the several columns upon the routes by which they were to advance, the convention was signed, and ratification exchanged on the 30th of last month.

That no time might be lost in obtaining anchorage for the transports and other shipping which had for some days been exposed to great peril on this dangerous coast, and to insure the communication between the army and the victuallers, which was cut off by the badness of the weather, and the surf upon the shore, I sent orders to the Buffs and the 42d regiment, which were on board transports with sir Charles Cotton's fleet, to land, and take possession of the Tagus, whenever the admiral thought it proper to do so. This was accordingly carried into execution yesterday morning, when the forts of Cascais, St. Julien's, and Bugio, were evacuated by the French troops, and taken possession of by ours.

As I landed in Portugal, entirely unacquainted with the actual state of the French army, and many circumstances of a local and incidental nature, which doubtless had great weight in deciding the question; my own opinion in favor of the expediency of expelling the French from Portugal by means of the convention, the late defeat had induced the French general in chief to solicit, instead of doing so by a continuation of hostilities, was principally founded on the great importance of time, which the season of the year rendered peculiarly valuable, and which the enemy could easily have consumed in the protracted defence of the strong places they occupied, had terms of convention been refused them.

When the suspension of arms was agreed upon, the army under sir John Moore had not arrived, and doubts were even entertained whether so large a body of men could be landed on an open and dangerous beach—and that being effected, whether the supply of so large an army with provisions from the ships could be provided for, under the disadvantages to which the shipping were exposed.—During the negociation, the former difficulty was overcome by the activity, zeal, and intelligence of captain Malcolm, of the Donegal, and the officers and men under his orders, but the possibility of the latter seems to have been at an end, nearly at the moment it was no longer necessary.

I have the honor to be, &c.

HEW DALRYMPLE,
Lieutenant General.

ARTICLES FOR A SUSPENSION OF ARMS IN PORTUGAL.

Suspension of arms agreed upon between lieutenant general sir Arthur Wellesley, knight of the order of Bath, on one part; and M. Kellerman, general of division, grand officer of the legion of honor, commander of the order of the iron crown, grand cross of the Bavarian order of the lion, on the other part; both invested with full powers by the respective generals of the French and British armies, dated head quarters of the British army, August 22, 1808.

Art. I. There shall be, from the present date a suspension of arms between the forces of his Britannic majesty and those of his

imperial and royal majesty, Napoleon I. in order to treat for a convention, for the evacuation of Portugal by the French army.

II. The generals in chief of the two armies, and the admiral commander in chief of his Britannic majesty's fleet, off the mouth of the Tagus, shall fix a day whereon to meet on such point of the coast, as shall be thought fit, in order to treat for and conclude said convention.

III. The river Siander shall form the line of demarcation between the two armies:—Torres Vedres shall not be occupied by either.

IV. The commander in chief of the British army shall engage to include the Portuguese armies in this convention, and their line of demarcation shall be from Leira and Thurmar.

V. It is provisionally agreed, that the French army shall in no case be considered prisoners of war; that all those of whom it consists, shall be conveyed to France, with arms and baggage, and all their private property of every description, no part of which shall be arrested from them.

VI. No individual, whether native of Portugal, of a country in alliance with France, or of France, shall be molested for his political conduct, they shall be protected in their persons, their properties respected, and they shall be at liberty to remove from Portugal with what belongs to them within a stipulated time.

VII. The neutrality of the port of Lisbon shall be recognized with regard to the Russian fleet; that is to say, when the British army or fleet shall be in possession of the city and port, the same fleet shall not be molested during its continuance there, nor obstructed when leaving it, nor followed after it shall have quitted that port, before the time prescribed by the maritime laws.

VIII. All the artillery of French calibre also, all the horses of the French cavalry, shall be transported to France.

IX. This suspension of arms shall not be broke without 48 hours notice.

Made and agreed upon by the forementioned generals.

ARTHUR WELLESLEY,
KELLERMAN, gen. of division.

ADDITIONAL ARTICLE.

The garrisons of the places occupied by the French army shall be included in the present convention, if they shall not have capitulated before the 25th inst.

A. WELLESLEY.
KELLERMAN,
General of Division.

Definitive Convention for the evacuation of Portugal by the French Army.

The generals commanding in chief, of the British and French armies in Portugal, having determined to negociate and conclude a

treaty for the evacuation of Portugal by the French troops, on the basis of the agreement entered into on the 22d instant, for a suspension of hostilities, have appointed the undermentioned officers to negociate the same in their names, viz. On the part of the general in chief of the British army, lieutenant colonel Murray, quarter master general; and on the part of the general in chief of the French army, Monsieur Kellerman, general of divi ion, to whom they have given authority to negociate and conclude a convention to that effect, subject to their ratification respectively, and to that of the admiral commanding the British fleet at the entrance of the Tagus.

These two officers, after exchanging their full powers, have agreed upon the articles which follow:

ART. I. All the places and forts in the kingdom of Portugal, occupied by the French troops, shall be delivered up to the British army in the state in which they are at the period of the signatures of the present convention.

II. The French troops shall evacuate Portugal with their arms and baggage; they shall not be considered as prisoners of war, and on their arrival in France they shall be at liberty to serve.

III. The English government shall furnish the means of conveyance for the French army, which shall be disembarked in any of the ports of France between Rochefort and L'Orient inclusively.

IV. The French army shall carry with it all its artillery of French calibre, with the horses belonging to it, and the tumbrils, supplied with 60 rounds per gun. All other artillery, arms, and ammunition, as also the military and naval arsenals, shall be given up to the British army and navy, in the state in which they may be at the period of the ratification of the convention.

V. The French army shall carry with it all its equipments, and all that is comprehended under the name of property of the army; that is to say, its military chest, and carriages attached to the field commissariat and field hospitals, or shall be allowed to dispose of such part of the same on its own account, as the commander in chief may judge it unnecessary to embark. In like manner all individuals of the army shall be at liberty to dispose of their private property of every description, with full security hereafter for the purchasers.

VI. The cavalry are to embark their horses, as also the generals and other officers of all ranks. It is however fully understood that as the means of conveyance for horses at the disposal of the British commanders are very limited; some additional conveyances may be procured in the port of Lisbon; the number of horses to be embarked by the troops shall not exceed 600, and the number embarked by the staff shall not exceed 200. At all events every facility will be given to the French army to dispose of the horses belonging to it which cannot be embarked.

VII. In order to facilitate the embarkation, it shall take place in three divisions, the last of which will be principally composed of the garrisons of the places, of the cavalry, the artillery, the sick, and

the equipment of the army. The first division shall embark within seven days of the date of the ratification, or sooner, if possible.

VIII. The garrison of Elvas, and its forts, and of Peniche and Palmela will be embarked at Lisbon. That of Almaida at Oporto, or the nearest harbor. They will be accompanied on their march by British commissaries charged with providing for their subsistence and accommodation.

IX. All the sick and wounded who cannot be embarked with the troops, are entrusted to the British army. They are to be taken care of whilst they remain in this country at the expence of the British government, under the condition of the same being reimbursed by France when the final evacuation is effectual. The English government will provide for their return to France, which shall take place by detachments of about 150 or 200 men at a time. A sufficient number of French medical officers shall be left behind to attend them.

X. As soon as the vessels employed to carry the army to France, shall have disembarked in the harbors specified, or in any other of the ports of France to which stress of weather may force them, every facility shall be given them to return to England without delay, and security against capture until their arrival in a friendly port.

XI. The French army shall be concentrated in Lisbon, and within a distance of about two leagues from it. The English army will approach within three leagues of the capital, and will be so placed as to leave about one league between the two armies.

XII. The fort St. Julien, the Brugio and Cascais, shall be occupied by British troops on the ratification of the convention. Lisbon and its citadel, together with the forts and batteries as far as the Lazaretto or Trafuria on the one side, and fort St. Joseph on the other, inclusively, shall be given up on the embarkation of the second division, as shall also the harbor and all armed vessels in it of every description, with their rigging, sails, stores, and ammunition. The fortresses of Elvas, Almaida, Peniche, and Palmela, shall be given up as soon as the British troops can arrive to occupy them—in the mean time the general in chief of the British army will give notice of the present convention to the garrisons of those places, as also the troops before them, in order to put a stop to all further hostilities.

XIII. Commissioners shall be named on both sides, to regulate and accelerate the execution of the arrangements agreed upon.

XIV. Should there arise doubts as to the meaning of any article, it will be explained favorably to the French.

XV. From the date of the ratification of the present convention, all arrears of contributions or claims whatever of the French government, against subjects of Portugal, or any other individuals residing in this country, founded on the occupation of Portugal by the French troops in the month of December, 1807, which may not have been paid up, are cancelled, and all sequestrations laid upon their proper-

ty, moveable or immoveable, are removed, and the free disposal of the same is restored to the proper owners.

XVI. All subjects of France, or of the powers in friendship or alliance with France, domiciliated in Portugal, or accidentally in this country, shall be protected. Their property of every kind, moveable and immoveable, shall be respected, and they shall be at liberty either to accompany the French army or to remain in Portugal. In either case their property is guaranteed to them, with the liberty of retaining or of disposing of it, and passing the produce of the sale thereof into France, or any other country, where they may fix their residence, the space of one year being allowed them for that purpose.

It is fully understood that shipping is exempted from this arrangement, only, however, in so far as regards leaving the port, and that none of the stipulations above mentioned can be made the pretext of any commercial speculation.

XVII No native of Portugal shall be rendered accountable for his political conduct during the period of the occupation of this country by the French army; and all those who have continued in the exercise of their employments, or who have accepted situations under the French government, are placed under the protection of the British commanders, they shall sustain no injury in their persons or property, it not having been at their option to be obedient or not to the French government; they are also at liberty to avail themselves of the stipulations of the 16th article.

XVIII. The Spanish troops detained on board ships in the port of Lisbon, shall be given up to the commander in chief of the British army, who engages to obtain of the Spaniards to restore such French subjects, either military or civil, as may have been detained in Spain without being taken in battle, or in consequence of military operations, but on occasion of the occurrences of the 29th of last May, and the days immediately following.

XIX. There shall be an immediate exchange established for all ranks of prisoners made in Portugal, since the present hostilities.

XX. Hostages of the rank of field officers shall be mutually furnished on the part of the British army and navy, and on that of the French army, for the reciprocal guarantee of the present convention. The officer of the British army shall be restored on the completion of the articles which concern the army; and the officer of the navy on the disembarkation of the French troops in their own country. The like is to take place on the part of the French army.

XXI. It shall be allowed to the general in chief of the French army to send an officer to France with intelligence of the present convention. A vessel will be furnished by the British admiral to convey him to Bordeaux or Rochfort

XXII. The British admiral will be invited to accommodate his excellency the commander in chief, and the other principal officers

of the French army, on board of ships of war.—Done and concluded at Lisbon, this 30th day of August, 1808.

GEORGE MURRAY,
Quarter Master General.
KELLERMAN,
Le general de division.

We, the duke of Abrantes, general in chief of the French army have ratified and do ratify, the present definitive convention, in all its articles, to be executed according to its form and tenor.

THE DUKE OF ABRANTES.

Head quarters at Lisbon, 30*th August*, 1808.

ADDITIONAL ARTICLES TO THE CONVENTION OF THE THIRTIETH OF AUGUST, 1808.

ART. I. The individuals in the civil employment of the army, made prisoners, either by the British troops, or by the Portuguese in any part of Portugal, will be restored, as is customary, without exchange.

II. The French army shall be subsisted from its own magazines up to the day of embarkation. The garrisons up to the day of the evacuation of the fortresses. The remainder of the magazines shall be delivered over in the usual form to the British government, which charges itself with the subsistence of the men and horses of the army from the abovementioned periods, till their arrival in France, under the condition of their being reimbursed by the French government for the excess of the expence beyond the estimation to be made by both parties of the value of the magazines delivered up to the British army. The provisions on board the ships of war, in possession of the French army, will be taken on account by the British government, in like manner with the magazines of the fortresses.

III. The general commanding the British troops will take the necessary measures for re-establishing the free circulation of the means of subsistence between the country and the capital.

Done and concluded at Lisbon, this 30th day of August, 1808.

GEORGE MURRAY,
Quarter Master General.
KELLERMAN,
Le general de division.

We, the duke of Abrantes, general in chief of the French army, have ratified, and do ratify the additional articles to the convention, to be executed according to their form and tenor.

THE DUKE OF ABRANTES.

No. II.

LETTER FROM ADMIRAL SIR CHARLES COTTON TO THE ADMIRALTY, RECEIVED SEPTEMBER 15, 1808.

Hibernia, off the Tagus, Sept. 4th, 1808.

SIR,

HEREWITH I have the honor to enclose to you, for the information of the lords commissioners of the admiralty, a copy of a convention entered into by me, with vice-admiral Seniavan, commanding the Russian fleet in the Tagus; by which it will appear to their lordships that such fleet has been surrendered to me to be held by his majesty as a deposit, until six months after the conclusion of a peace between Russia and England.

Rear-admiral Tyler has been directed to superintend the first division of the Russian fleet, which I purpose ordering under his protection immediately to Spithead.

I have the honor, &c.

C. COTTON.

Articles of a convention entered into between vice-admiral Seniavin, knight of the order of St. Alexander, and other Russian orders, and admiral Sir Charles Cotton, baronet, for the surrender of the Russian fleet, now anchored in the river Tagus.

Art. I. The ships of war of the emperor of Russia now in the Tagus, as specified in the annexed list, shall be delivered up to admiral Sir Charles Cotton, immediately, with all their stores as they now are; to be sent to England, and there held as a deposit by his Britannic majesty, to be restored to his imperial majesty, within six months after the conclusion of a peace between his Britannic majesty and his imperial majesty the emperor of all the Russias.

II. Vice-admiral Seniavin, with the officers, sailors, and marines, under his command, to return to Russia without any condition or stipulation respecting their future services; to be conveyed there in men of war, or proper vessels, at the expense of his Britannic majesty.

Done and concluded on board the ship Twerdy, in the Tagus, and on board his Britannic majesty's ship Hibernia, off the mouth of that river, the 3d day of September, 1808.

DE SENIAVIN.
CHARLES COTTON.

List of the ships referred to in the foregoing convention.

Twerdy, vice admiral Seniavin, capt. du rer rang majayest, of 74 guns, and 736 men—Shoyroy, capt. du rer rang Schelling, of 60 guns

and 504 men—Stehelene, capt. du rer rang Bitchenskoy, of 74 guns and 598 men—S. Cafael, capt. du 2d rang Roshnoff, of 74 guns and 630 men—Ratvizan capt. du 2d rang Rtishchoff, of 66 guns and 549 men—Silnoy, capt. lieut. Malygruin, of 75 guns and 604 men—Metchnoy, capt. lieut. Rasvosoff, of 74 guns and 620 men—Rasael, capt. lieut. Bythenskoy, of 80 guns and 646 men—Bregatte Kilduyn, capt. lieut. Dournoff, of 26 guns and 222 men—Yarrowslavl, capt. du 2d rang, Milkoff, of 74 guns and 567 men. Total, 5685 men.

MALIVJEFF,
Le capitaine de Pavillon.

No. III.

REPORT OF THE COURT OF ENQUIRY, APPOINTED TO EXAMINE THE CONDUCT OF THE BRITISH COMMANDERS IN PORTUGAL, AND PROCEEDINGS THEREUPON.

WE, the undersigned general officers of the army, in obedience to your majesty's warrant, which bears date the 1st day of November, 1808, commanding us strictly to inquire into the conditions of a suspension of arms, concluded on the 22d of August, 1808, between your majesty's army in Portugal, and the French force in that country—and also into a definitive convention, concluded with the French general commanding on the 31st August following; also into all the causes and circumstances (whether arising from the previous operations of the British army, or otherwise, which led to them)—and into the conduct, behaviour, and proceedings of lieutenant-general Sir Hew Dalrymple, and such other commander or commanders of your majesty's forces in Portugal; and of any other person or persons, as far as were connected with the said armistice, suspension of arms, and convention; and to report to your majesty a state thereof, as it shall appear, together with our opinion thereon, and also our opinion, whether any, and what further proceedings should be had thereupon.

We have at several meetings, perused and considered your majesty's orders and instructions, as transmitted to us by the right hon. lord Castlereagh, your majesty's principal secretary of state, together with sundry letters, and other papers, therewith transmitted. And have heard and examined lieutenant-general Sir Hew Dalrymple, Sir Harry Burrard, and Sir Arthur Wellesley, and other principal officers employed on the said expedition, with such witnesses as any of them desired. And also such other persons as seemed to us most likely to give any material information. And in order that your majesty may be fully possessed of every circumstance which has appeared in the course of this inquiry.

We beg leave to lay before your majesty the whole of our examinations and proceedings, to this our report annexed. And upon the

most diligent and careful review of the whole matter, we do, in further obedience to your royal command, most humbly report to your majesty:"—

The report then proceeds as follows:—

It appears that some of the principal advantages to arise from the convention were in the contemplation of the generals.

That it immediately liberated the kingdom of Portugal from the dominion of the French, thereby restoring to the inhabitants their capital and fortresses, their principal seaports, their personal liberty, property, religion, and established government.

That it relieved a great extent of Spanish frontier from all apprehensions of an enemy, and the whole of Spain from that of having an enemy behind them, and allowed all parts of Spain to take more effective measures for its general defence; as well as permitted Portugal immediately to contribute for their mutual support

That it enabled the British army immediately to enter Spain, if required, by central routes, while it transported the French force to a very distant part of their own coast, far removed from the Spanish frontier.

That it immediately released 4000 Spanish soldiers, and sent them to the defence of Catalonia: it also released from the Portuguese frontier another body of 2000 Spanish troops. The Portuguese army also became disposable for the common cause.

To the men of war and transports, which at this season of the year, with great difficulty could keep their station near the coast, and on whose presence the supplies and operations of the army depended, the opening of the Tagus afforded immediate shelter.

It is further urged by the generals, as much more than probable, that if the enemy had been required to lay down their arms, and surrender prisoners of war, they would not have complied; but if driven to extremity, that they would have retired upon Lisbon, reinforced by 6000 Russians, who must have been thus compelled to share their fate; and in the temporary attack of this city, much calamity and destruction must have ensued.

Also, that masters of the Russian fleet, and of the boats and shipping in the Tagus, the passage of the river was ensured to them: that they could have defended for a considerable time its east bank, and prevented the occupation of the Tagus by our fleet: that, with the strong fortresses of Alentejo in their possession, they could have protracted a destructive war, to the great detriment of Portugal and the Spanish cause, by finding employment for the greater part of the British army, for the remainder of the year, and whose difficulties and losses in such operation must have been very considerable.

It appears that the forts on the Tagus were taken possession of on the 2d of September by the British troops, and the port was then opened to our shipping: That on the 5th the army had its right at St Juliens, and its left on the heights of Bellas: That on the 8th or 9th, a British corps marched into Lisbon to ensure the tranquility of that city, during the embarkation of the enemy, who were all sent off

(except the last division, purposely detained) before the end of the month, and part of the British army was then actually on its route towards the Spanish frontier.

It appears, that during the discussion, and afterwards during the execution of the convention, much firmness was shewn in resisting the pretensions and interpretations of the enemy; every stipulation being restricted to its fair, honorable, and grammatical meaning, and the French not allowed to carry off, but obliged to disgorge plunder, which they affected to consider as private property.

It appears that pains were taken to misrepresent and raise a clamour in Portugal against the convention; but when it was generally known, and its effects felt, the people of Lisbon, and of the country, seem to have expressed their gratitude and thanks for the benefits attending it.

It has been urged by Sir Hew Dalrymple, and allowed by major-general Spencer, that in Egypt, in 1801 (after the victory of the 21st of March, the French having thrown their whole force into Alexandria and Grand Cairo, about 10,000 men in each place) that at the siege of Alexandria, in August, the country was in the full possession of the British and Turks. The garrison cut off from every possibility of relief, and could only have held out some days, when a capitulation was granted to it, September the 2d, as favourable as the convention of Cintra to the army of Junot (of 24,000 French, and 6000 Russians) and perfectly similar in all the chief articles of men, baggage, artillery, conveyance, &c.; also, that the same terms had been previously granted to the garrison of Cairo, under much the same circumstances. By these two conventions, or capitulations, above 20,000 French evacuated Egypt, and the British army was left disposable for other purposes?

On the whole, it appears, that the operations of the army under Sir Arthur Wellesley, from his landing in Mondego Bay the 1st of August, until the conclusion of the action at Vimeira, the 21st of August, were highly honorable and successful, and such as might be expected from a distinguished general, at the head of a British army of 13,000 men, augmented on the 20th and 21st to 17,000, deriving only some small aid from a Portuguese corps (1600 men,) and against whom an enemy, not exceeding 14,000 men in the field, was opposed; and this before the arrival of a very considerable reinforcement from England, under lieutenant-general Sir John Moore, which however, did arrive and join the army, from the 25th to the 30th of August.

It appears a point on which no evidence adduced can enable the board to pronounce, with confidence, whether or not a pursuit after the battle of the 21st, could have been efficacious, nor can the board feel confident to determine on the expedience of a forwad movement to Torres Vedras, when Sir Harry Burrard, has stated weighty considerations against such a measure. Further, it is to be observed, that so many collateral circumstances could not be known in the moment of the enemy's repulse, as afterwards became clear to the army,

and have been represented to the board. And considering the extraordinary circumstances under which two new commanding generals arrived from the ocean, and joined the army (the one during, and the other immediately after a battle, and those successively superceding each other, and both the original commander within the space of 24 hours,) it is not surprising that the army was not carried forward, until the second day after the action, from the necessity of the generals being acquainted with the actual state of things, and of their army, and proceeding accordingly.

It appears that the convention of Cintra in all its progress and conclusion, or at least all the principal articles of it were not objected to by the five distinguished lieutenant-generals of that army; and other general officers who were on that service, whom we have had an opportunity to examine, have also concurred in the great advantages that were immediately gained, to the country of Portugal, to the army and navy, and to the general service, by the conclusion of the convention at that time.

On a consideration of all circumstances, as set forth in this report, we most humbly submit our opinion, that no further military proceeding is necessary on the subjects. Because, however, some of us may differ in our sentiments respecting the fitness of the convention in the relative situation of the two armies, it is our unanimous declaration, that unquestionable zeal and firmness appear throughout to have been exhibited by lieutenant-generals Sir Hew Dalrymple, Sir Harry Burrard, and Sir Arthur Wellesley, as well as that the ardour and gallantry of the rest of the officers and soldiers, on every occasion during this expedition, have done honor to the troops, and reflected lustre on your majesty's arms. All which is most dutifully submitted.

D. DUNDAS, general.
MOIRA, general,
PETER CRAIG, general.
HEATHFIELD, general.
PEMBROKE, lieut. gen.
G. NUGENT, lieut. gen. and
O. NICOLLS, lieut. gen.

22d December, 1808.

JUDGE-ADVOCATE GENERAL'S OFFICE.

December 27th, 1808.

IN consequence of the following letter, from his royal highness the commander in chief, to general sir David Dundas, as president, viz.

Horse Guards, December 25th, 1808.

Sir—The judge advocate general having delivered to me to be laid before his majesty, the several papers and documents, containing all the examinations and proceedings taken before the board of inquiry, of which you are the president, together with your report and opinion upon the whole of the late operations of his majesty's forces

in Portugal, as connected with the armistice and subsequent convention of Cintra, I think it incumbent on me to state to you, that although the report is fully detailed, and perfectly explanatory of all the transactions as they appeared in evidence before you; yet, upon a due consideration of the whole matter, it certainly appears that your opinion upon the condition of the armistice and convention, which the words of his majesty's warrant expressly enjoin should be strictly examined, enquired into, and reported upon, has been altogether omitted.

I feel it my duty, therefore, to call your attention to these two principal features of the important case, the armistice and convention, and to desire that you may be pleased to take the same again into your most serious consideration, and subjoin to the opinion which you have already given upon the other points submitted to your examination and inquiry, whether, under all the circumstances which appear in evidence before you, on the relative situation of the two armies, on the 22d of August 1808, it is your opinion that an armistice was advisable, and if so, whether the terms of that armistice were such as ought to have been agreed upon; and whether upon a like consideration of the relative situation of the two armies subsequent to the armistice, and when all the British forces were landed, it is your opinion that a convention was advisable, and if so, whether the terms of that convention were such as ought to have been agreed upon.

I am the more desirous that you should resume the consideration of these two points, the armistice and convention, as it appears upon the face of your report, that a difference of opinion exists among the members of the board, which may probably produce a dissent from the majority upon these very questions. You will be pleased, therefore, to desire such of the members as may be of a different opinion from the majority upon these two questions, to record upon the face of the proceedings their reasons for such dissent.

I am, Sir, yours,

FREDERICK,

Commander in Chief.

Gen. Sir D. Dundas.

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The board met this day at the judge-advocate-general's office, when the said letter having been read, they agreed that the following questions should be put to each of the members of the board:—

APPROVE.		DISAPPROVE.
Lt. gen. Nicolls, Lt. gen. sir G. Nugent, Earl of Pembroke, Lord Heathfield, General Craig, Gen. sir D. Dundas.	Do you, or do you not approve of the armistice as concluded on the 22d of August, 1808, in the relative situation of the two armies?	Earl of Moira.

APPROVE.	Do you, or do you not approve of the convention as concluded upon the 31st August, 1808, in the relative situation of the two armies?	DISAPPROVE.
Lt. gen. sir G. Nugent, Gen. lord Heathfield, General Craig.		Lt. gen. Nicolls, E. of Pembroke, Earl of Moira.

DAVID DUNDAS, President.

My reason for considering the armistice as advisable on the 22d of August was, because the enemy had been able to retire after the battle of the 21st, and take a strong defensive position.

OL. NICOLLS, L. G.

I think, considering the great increase of our force from the first suspension of hostility to the definitive signing of the convention, added to the defeat the enemy had suffered, sir Hew Dalrymple was fully entitled to have insisted upon more favourable terms.

OL. NICOLLS, L. G.

I approve of the armistice, after a due consideration of the relative situations of the two armies, on the evening of the 22d of August, but I cannot fully approve of the whole of the convention, after a due consideration of the relative situation of the two armies at that time; because it does not appear to me that, in the progress of the negociation, sufficient stress was laid upon the great advantages which had resulted, or were likely to result from the former successful operations of the British army in the field, from the considerable reinforcements which had joined it subsequent to the commencement of the negociation, from the cause in which the British army was engaged being the cause of Portugal, which gave good reason to reckon upon the good will, if not upon the active assistance of the majority of the inhabitants; and also, upon the unusual readiness which, as it appears to me, was manifested by general Junot to enter into negociation, and by the French negociator to accede to terms as they were proposed, and to such construction as lieutenant general sir Hew Dalrymple put upon them in some instances, where they might have borne a difference of interpretation. I therefore think it probable, for the above reasons, that if less favourable terms to the French army had been insisted upon, they would have been acceeded to.

PEMBROKE, lieut. gen.

I feel less awkwardness in obeying the order to detail my sentiments on the nature of the convention, because that I have already joined in the tribute of applause due in other respects to the officers concerned. My opinion, therefore, is only opposite to their's on a question of judgment, where their talents are likely to have so much more weight, as to render the profession of my difference, even on

that point, somewhat painful. The duty is, however, imperious on me not to disguise or qualify the deductions which I have made during this investigation.

An armistice simply might have been objectionable, because sir Hew Dalrymple, expecting hourly the arrival of sir John Moore's division, might see more advantage for himself in a short suspension of hostilities, than what the French could draw from it. But as the armistice involved, and, in fact established the whole principle of the convention, I cannot separate it from the latter.

Sir A. Wellesley has stated, that he considered his force, at the commencement of the march from Mondego river, as sufficient to drive the French from their positions on the Tagus. That force is subsequently joined by above 4000 British troops under generals Anstruther and Ackland. The French made an attack with their whole disposable strength, and are repulsed with heavy loss, though but a part of the British army is brought into action. It is difficult to conceive that the prospects which sir A. Wellesley entertained, could be unfavorably altered by these events, even had not the certainty of speedy reinforcements in the British army existed.

It is urged, that had the French been pushed to extremity, they would have crossed the Tagus, and have protracted the campaign in such manner as to have frustrated the more important view of the British generals; namely, sending succours into Spain.

The measure must have been equally feasible for the French if no victory had been obtained over them; but I confess that the chance of such an attempt seems, to me, assured against probability. Sir Hew Dalrymple notices what he calls, "the critical and embarrassed state of Junot," before that general had been pressed by the British army; and, in explanation of that expression, observes "that the surrender of Dupont, the existence of the victorious Spanish army in Andalusia, which cut off the retreat of the French in that direction, and the universal hostility of the Portuguese, made the situation of Junot one of great distress." No temptation for the translation of the war into Alentejo presents itself from this picture; nor does any representation give ground to suppose that Junot could have contemplated the measure as holding forth any prospect but ultimate ruin, after much preliminary distress and disgrace. The strongest of all proofs as to Junot's opinion, arises from his sending the very morning after the battle of Vimeira, to propose the evacuation of Portugal; a step which sufficiently indicated that he was satisfied he could not only make no effectual defence, but could not even prolong the contest to take the chance of accidents. He seems, indeed, to have been without any real resource.

It appears in evidence, that of the troops left by him in Lisbon and the forts, a considerable proportion were of very doubtful quality.—Those troops on whose fidelity he could confide, had been dismayed by a single defeat, and they were sensible that they had no succor to look to from abroad. To the British generals it was known, when the armistice was granted, that 10,000 men under Sir J. Moore, as

well as the 3d and 42d regiments of 1000, with the 18th dragoons, might be immediately reckoned upon; and although much advantage had not been drawn from the Portuguese troops, their support, and the general violence of the country, against the French cannot be laid out of this calculation.

The disparity of force and of circumstances was then such as could leave no doubt that the issue must be favorable to us. I do not omit advertence to the difficulties urged as possible to occur in furnishing the British army with bread. But, putting aside the obvious solution, that such a temporary privation is not ruinous to an army where cattle can be procured in the country, this difficulty cannot be well pleaded, if admission is to be given to the speculation, that the heavy cannon necessary for battering forts St. Julien and Cascaes, were to be got ashore in the bays and rock of Lisbon. The question then comes to this; whether the convention did (as has been asserted) secure all the objects which were proposed in the expedition? If it did not, it was not what his majesty was entitled to expect from the relative situation of the two armies.

I humbly conceive it to have been erroneous to regard the emancipation of Portugal from the French, as the sole or the principal object of the expedition. Upon whatever territory we contend with the French, it must be a prominent object in the struggle to destroy their resources, and to narrow their means of injuring us, or those whose cause we are supporting. This seems to have been so little considered in the convention, that the terms appear to have extricated Junot's army from a situation of infinite distress, in which it was wholly out of play, and to have brought it in a state of entire equipment, into immediate currency, in a quarter too, where it must interfere with our most urgent and interesting concerns.

Had it been practicable to reduce the French army to lay down its arms unconditionally, still an obligation not to serve for a specified time might have been insisted upon, or Belleisle might have been prescribed as the place at which they should be landed, in order to prevent the possibility of their reinforcing (at least for a long time) the armies employed for the subjugation of Spain. Perhaps a stronger consideration than the merit of those terms presents itself. Opinion relative to the British arms was of the highest importance, as it might influence the confidence of the Spaniards, or invite the nations groaning under the yoke of France, to appeal to this country, and co-operate with it for their deliverance. The advantages ought therefore, to have been more than usually great, which should be deemed sufficient to balance the objection of granting to a very inferior army, hopeless in circumstances, and broken in spirit, such terms as might argue, that notwithstanding its disparity in numbers, it was still formidable to its victors. No advantages seem to have been gained that would not have equally followed from forcing the enemy to a more marked submission. The gain of time as to sending succours into Spain cannot be admitted as a plea, because it ap-

pears that no arrangements for the reception of our troops in Spain had been undertaken previous to the convention; and this is without reasoning on subsequent facts.

The convention in Egypt, which has been advanced as a parallel case, appears to me inapplicable. No object beyond the dislodgment of the French from Egypt was there in question. In the present instance, the operation of the convention upon the affairs of Spain was a consideration of primary interest; and in that view, the inevitable effect of some of the articles offers itself to my mind as liable to material objection.

I trust that these reasons will vindicate me from the charge of presumption, in maintaining an opinion contradictory to that professed by so many most respectable officers; for even if the reasons be essentially erroneous, if they are conclusive to my mind (as I conscientiously affirm them to be), it is a necessary consequence that I must disapprove the convention.

MOIRA, general.

December 27, 1808.

NO. IV.

OFFICIAL COMMUNICATION OF THE BRITISH GOVERNMENT TO SIR HEW DALRYMPLE, RESPECTING THE FOREGOING REPORT.

THE king has taken into his consideration the report of the board of inquiry, together with the documents and opinions thereunto annexed.

While his majesty adopts the unanimous opinion of the board, that no farther military proceeding is necessary to be had upon the transactions referred to their investigation, his majesty does not intend thereby to convey any expression of his majesty's satisfaction at the terms and conditions of the armistice and convention.

When those instruments were first laid before his majesty, the king reserving for investigation those parts of the definitive convention in which his majesty's immediate interests were concerned, caused it to be signified to Sir Hew Dalrymple, by his majesty's secretary of state, that his majesty, nevertheless, felt himself compelled at once to express his disapprobation of those articles, in which stipulations were made, directly affecting the interests or feelings of the Spanish and Portuguese nations.

At the close of the inquiry, the king, abstaining from any observations upon other parts of the convention, repeats his disapprobation of those articles; his majesty deeming it necessary that his sentiments should be clearly understood, as to the impropriety and dan-

ger of the unauthorised admission into military conventions, of articles of such a description, which, especially when incautiously framed, may lead to the most injurious consequences.

His majesty cannot forbear further to observe, that lieutenant-general Sir Hew Dalrymple's delaying to transmit for his information the armistice concluded on the 22d August until the 4th September, when he at the same time, transmitted the ratified convention, was calculated to produce great public inconvenience, and that such inconvenience did, in fact, result therefrom.

LOUISIANA.

AN ACCOUNT OF THE RED RIVER AND COUNTRY ADJACENT.

To General Henry Dearborn, Secretary of War.

SIR,

YOU request me to give you some account of Red river, and the country adjacent: I will endeavor to comply with your request, to the best of my knowlege and capacity. My personal knowlege of it is only from its mouth, to about 70 or 80 miles above Natchitoches, being, by the course of the river, near 400 miles. After that, what I can say of it is derived from information from others, on whose veracity I have great reliance; principally from Mr. Francis Grappe, who is my assistant and interpreter of Indian languages; whose father was a French officer, and superintendant of Indian affairs, at a post, or station, occupied by France, where they kept some soldiers, and had a factory, previous to the cession of Louisiana to Spain, situate nearly 500 miles, by the course of the river, above Natchitoches, where he, my informant, was born, and lived upwards of 30 years; his time during which, being occupied alternately as an assistant to his father, an Indian trader and hunter, with the advantage of some learning, and a very retentive memory, acquired an accurate knowlege of the river, as well as the languages of all the different Indian tribes of Louisiana, which with his having been Indian interpreter for the Spanish government for many years past, and (I believe) deservedly esteemed by the Indians, and all others, a man of strict integrity, has for many years, and does now possess their entire confidence, and a very extensive influence over them; and I have invariably found, that whatever information I have received from

him, has been confirmed by every other intelligent person, having a knowlege of the same, with whom I have conversed.*

The confluence of Red river with the Mississippi, is by the course of the latter, estimated about 220 miles from New Orleans. Descending the Mississippi, after passing the Spanish line at the 31st degree of north latitude, it makes a remarkable turn to the westward, or nearly north-west, for some distance before you arrive at the mouth of Red river, as though notwithstanding the immense quantity of its waters already, from its almost numberless tributary streams, it was still desirous of a farther augmentation, by hastening its union with Red river (which, perhaps, is second only in dignity to it) that they might, from thence, flow on and join the ocean together, which for many leagues is forced to give place to its mighty current. But there are reasons for believing the Red river did not always unite with the Mississippi, as it does at present; and that no very great length of time has elapsed since the Mississippi left its ancient bed, some miles to the eastward, and took its course westwardly for the purpose of intermarrying with Red river. The mouth of the Chaffeli, which is now properly speaking, one of the outlets of the river Mississippi to the ocean, is just below, in sight of the junction of Red river with the Mississippi; and from its resemblance to Red river in size, growth on its banks, appearance and texture of soil, and differing from that of the Mississippi, induces strongly the belief that the Chaffeli was once but the continuation of Red river to the ocean, and that it had in its bed, no connection with the Mississippi. There is no doubt but the Mississippi has alternately occupied different places in the low grounds through which it meanders, almost from the high lands of one side to those of the other, for the average space of near thirty miles. These two great rivers happening to flow, for a distance, through the same mass of swamp, that annually is almost all inundated, it is not extraordinary that their channels should find their way together; the remarkable bend of the Mississippi, at this place, to the westward, seems to have been for the express purpose of forming this union; after which it returns to its former course.

In the month of March, 1803, I ascended Red river, from its mouth to Natchitoches, in an open boat, unless when I chose to land and walk across a point, or by the beauty of the river bank, the pleasantness of its groves, or the variety of its shrubs and flowers, I was invited ashore to gratify or please my curiosity. On entering the mouth of the river I found its waters turgid, of a red color, and of a brackish taste; and as the Mississippi was then falling, and Red river rising, found a current, from its mouth upwards, varying considerably in places, but averaging about two miles an hour, for the first hundred miles, which at that time, I found to be about the same in the Mississippi; but when that river is high, and Red river low, there is very little current in the latter, for sixty or seventy miles:

* Note. Contrary to geographical rules, as I ascended the river, I called the right bank the northern one, and the left the southern.

the river for that distance is very crooked, increasing the distance, by it, from a straight line, more than two thirds; the general course of it nearly west: that I was able to ascertain, from hearing the morning gun at Fort Adams, for three or four mornings after entering the river, which was not at the greatest height by about fourteen feet; and all the low grounds, for near seventy miles, entirely overflowed like those of the Mississippi, which, in fact, is but a continuation of the same. Some places appeared, by the high water mark on the trees, to overflow not more than two or three feet, particularly the right bank, below the mouth of Black river, and the left bank above it; the growth, on the lowest places, willow and cotton wood, but on the highest, handsome oaks, swamp hickory, ash, grape vines, &c.

I made my calculation of our rate of ascent and distances up the river, by my watch, noting carefully with my pencil the minute of our stops and settings off; the inlets and outlets, remarkable bends in the river, and whatever I observed any way remarkable. About six miles from the mouth of the river, left side, there is a bayau, as it is called, comes in, that communicates with a lake called lake Long, which by another bayau, communicates again with the river, through which, when there is a swell in the river, boats can pass, and cut off about thirty miles, being only fourteen or fifteen through it, and about forty-five by the course of the river; and through the lake there is very little or no current; but the passage is intricate and difficult to find; a stranger should not attempt it without a pilot; people have been lost in it for several days; but not difficult for one acquainted; we having no pilot on board to be depended on, kept the river.

From the mouth of Red river to the mouth of Black river, I made it thirty-one miles; the water of Black river is clear, and when contrasted with the water of Red river, has a black appearance. From the mouth of Black river, Red river makes a regular twining to the left for about eighteen miles, called the Grand Bend, forming a segment of nearly three fourths of a circle; when you arrive at the bayau that leads into lake Long, which, perhaps is in a right line, not exceeding fifteen miles from the mouth of the river. From Bayau Lake Long, to Avoyall landing, called Baker's landing, I made thirty-three miles, and the river is remarkably crooked. At this place the guns at Fort Adams are distinctly heard, and the sound appears to be but little south of east. We came through a bayau called Silver Bayau, that cut off, we understand, six miles; it was through the bayau about four miles. Until we arrived at Baker's landing, saw no spot of ground that did not overflow; the high water mark generally from three to fifteen feet above its banks. After passing Black river, the edge of the banks near the river are highest; the land falls from the river back. At Baker's landing I went ashore; I understood, from Baker's landing, cross the point, to Le Glass' landing, was only three or four miles, and by water fifteen; but I found it six at least, and met with some difficulty in getting

from where I landed to the high land at Baker's house, for water, though at low water it is a dry cart road, and less than a mile. I found Baker and his family very hospitable and kind; Mr. Baker told me he was a native of Virginia, and had lived there upwards of thirty years. He was living on a tolerable good high piece of land, not prairie, but joining it. After leaving Baker s house, was soon in sight of the prairie, which I understand is about forty miles in circumference, longer than it is wide, very level, only a few clumps of trees to be seen, all covered with good grass. The inhabitants are settled all around the out edge of it, by the woods, their houses facing inwards, and cultivate the prairie land. hough the soil, when turned up by the plough has a good appearance, what I could discover by the old corn and cotton stalks, they made but indifferent crops; the timber land that I saw cleared and planted produced the best; the prairie is better for grass than for planting. The inhabitants have considerable stocks of cattle, which appears to be their principal dependence, and I was informed their beef is of a superior quality: they have likewise good pork; hogs live very well; the timbered country all round the prairie is principally oak, that produces good mast for hogs. Corn is generally scarce; they raise no wheat, for they have no mills. I was informed that the lower end of the prairie, that I did not see, was much the richest land, and the inhabitants lived better, and were more wealthy; they are a mixture of French, Irish and Americans, generally poor and ignorant. Avoyall, at high water, is an island, elevated thirty or forty feet above high water mark; the quantity of timbered land exceeds that of the prairie, which is likewise pretty level, but scarcely a second quality of soil. La Glass' landing, as it is called, I found about a mile and a half from the upper end of the prairie; the high lands bluff to the river. After leaving this place found the banks rise higher and higher on each side, and fit for settlements; on the right side pine woods sometimes in sight. I left the boat again about eight miles from Le Glass' landing, right side; walked two and a half miles across a point to a Mr. Hoomes'; round the point is called sixteen miles. I found the lands through which I passed, high, moderately hilly; the soil a good second quality clay; timber, large oak, hickory, some short leaved pine; and several small streams of clear running water. This description of lands extended back five or six miles, and bounded by open pine woods, which continue for thirty miles to Ocatahola. I found Mr. Hoomes' house on a high bluff very near the river; his plantation the same description of land through which I had passed, producing good corn, cotton and tobacco, and he told me had tried it in wheat, which succeeded well, but having no mills to manufacture it, had only made the experiment. Mr. Hoomes told me all the lands round his, for many miles, were vacant. On the south side there is a large body of rich, low grounds, extending to the borders of Appalousa, watered and drained by Bayau Robert and Bayau Beauf, two handsome streams of clear water that rise in the high lands between Red river and Sabine, and after meandering through this im-

mense mass of low grounds of thirty or forty miles square, fall into the Chaffeli, to the southward of Avoyall. I believe in point of soil, growth of timber, goodness of water, and conveniency to navigation, there is not a more valuable body of land in this part of Louisiana. From Mr. Hoomes' to the mouth of Rapide Bayau is, by the river thirty-five miles. A few scattering settlements on the right side, but none on the left; the right is preferred to settle on, on account of their stocks being convenient to the high lands; but the settlers on the right side own the lands on the left side too; the lands on the Bayau Rapide are the same quality as those on Bayaus Robert and Beauf, and in fact, are a continuation of the same body of lands. Bayau Rapide is somewhat in the form of a half moon; the two points, or horns, meeting the river about twenty miles from each other; the length of the bayau is about thirty miles; on the back of it there is a large bayau falls in, on which there is a saw mill, very advantageously situated, in respect to a never failing supply of water; plenty of timber; and the plank can be taken from the mill tail by water. his bayau is excellent water; rises in the pine woods, and discharges itself each way into the river, by both ends of Bayau Rapide. Boats cannot pass through the bayau, from the river to the river again, on account of rafts of timber choaking the upper end of it, but can enter the lower end and ascend it more than half through it. On the lower end of the bayau, on each side, is the principal Rapide settlement, as it is called; no country whatever can exhibit handsomer plantations, or better lands. The Rapide is a fall, or shoal, occasioned by a soft rock in the bed of the river, that extends from side to side, over which for about five months in the year, viz from July to December, there is not sufficient water for boats to pass without lightening, but at all other seasons it is the same as any other part of the river. This rock, or hard clay, for it resembles the latter almost as much as the former, is so soft it may be cut away with a pen knife, or any sharp instrument, and scarcely turn the edge, and extends up and down the river but a few yards; and I have heard several intelligent persons give it as their opinion, that the extraordinary expense and trouble the inhabitants were at in one year, in getting loaded boats over this shoal, would be more than sufficient to cut a passage through it; but it happens at a season of the year when the able planters are occupied at home, and would make no use of the river were there no obstructions in it; but at any rate, the navigation of the river is clear a longer proportion of the year than the rivers in the northern countries are clear of ice. But this obstruction is certainly removable, at a very trifling expense, in comparison to the importance of having it done; and nothing but the nature of the government we have lately emerged from, can be assigned as a reason for its not having been effected long ago.

After passing the Rapides there are very few settlements to be seen, on the main river, for about twenty miles, though both sides appeared to me to be capable of making as valuable settlements as any on the river; we arrive then at the Indian villages, on both sides, situa-

ted exceedingly pleasant, and on the best lands; after passing which you arrive at a large beautiful plantation of Mr. Gillard; the house is on a point of high pine woods bluff, close to the river, sixty or seventy feet above the common surface of the country, overlooking on the east, or opposite side, very extensive fields of low grounds, in high cultivation, and a long reach of the river, up and down; and there is an excellent spring of water issues from the bluff, on which the house is situated, from an aperture in the rock that seems to have been cloven on purpose for it to flow, and a small distance back of the house, there is a lake of clear water, abounding with fish in summer and fowl in winter. I have seen in all my life, very few more beautiful or advantageously situated places.

Six miles above Gillard's, you arrive at the small village of Boluxa Indians, where the river is divided into two channels, forming an island of about 50 miles in length, and three or four in breadth. The right hand division is called the Rigula de Bondieu, on which are no settlements; but I am informed, will admit of being well settled; the left hand division is the boat channel, at present, to Natchitoches: the other is likewise boatable. Ascending the left hand branch for about 24 miles, we pass a thick settlement and a number of wealthy inhabitants. This is called the *river Cane* settlement; called so, I believe, from the banks some years ago, being a remarkable thick cane-brake.

After passing this settlement of about forty families, the river divides again, forming another island of about thirty miles in length, and from two to four in breadth, called the *isle Brevel*, after a reputable old man now living in it, who first settled it. This island is subdivided by a bayau that communicates from one river to the other, called also Bayau Brevel. The middle division of the river, is called *Little* river, and it is thickly settled, and is the boat channel, the westward division of the river is called False river; is navigable, but not settled; the banks are too low; it passes through a lake called *Lac Occassa*. When you arrive at Natchitoches, you find it a small, irregular, and meanly built village, half a dozen houses excepted, on the west side of that division of the river it is on, the high pine and oak woods approach within two or three hundred yards of the river. In the village are about forty families, twelve or fifteen are merchants or traders, nearly all French. The fort built by our troops since their arrival, called fort Claiborne, is situated on a small hill, one street from the river, and about thirty feet higher than the river banks. All the hill is occupied by the fort and barracks, and does not exceed two acres of ground. The southern and eastern prospects from it are very beautiful. One has an extensive view of the fields and habitations down the river, and the other a similar view over the river, and of the whole village. This town, thirty or forty years ago, was much larger than at present, and situated on a hill about half a mile from its present site. Then most of the families of the district lived in the town, but finding it inconvenient on account of the stocks and farms, they filed off, one after another, and

settled up and down the river. The merchants and trading people found being on the bank of the river more convenient for loading and unloading their boats, left the hill on that account; and others, finding the river ground much superior for gardens, to which they are in the habit of paying great attention, followed the merchants; after them the priests and commandant; then the church and jail (or calleboose), and now nothing of the old town is left, but the form of their gardens and some ornamental trees. It is now a very extensive common of several hundred acres, entirely tufted with clover, and covered with sheep and cattle. The hill is a stiff clay, and used to make miry streets; the river soil, though much richer, is of a loose, sandy, texture; the streets are neither miry nor very dusty. Our wells do not afford us good water, and the river water, in summer, is too brackish to drink, and never clear. Our springs are about half a mile back from the river, but the inhabitants, many of them, have large cisterns, and use, principally rain water, which is preferred to the spring water. The planters along on the river generally use rain water; though when the river is high, and the water taken up and settled in large earthen jars, (which the Indian women make of good quality and at a moderate price) it can be drank tolerably well, but it makes bad tea.

Near Natchitoches there are too large lakes, one within a mile, the other six miles to the nearest parts. One of them is fifty or sixty miles in circumference, the other upwards of thirty: these lakes rise and fall with the river. When the river is rising the bayaus that connect with the lakes, run into the lakes like a mill-tail, till the lakes are filled; and when the river is falling, it is the same the contrary way, just like the tide but only annual. On these creeks good mills might be erected, but the present inhabitants know nothing of mills by water, yet have excellent cotton gins worked by horses. I do not know a single mechanic in the district, who is a native of it, one taylor excepted. Every thing of the kind is done by strangers, mostly Americans. Though Natchitoches has been settled almost one hundred years, it is not more than twelve or fifteen years since they ever had a plough, or a flat to cross the river with; both which were introduced by an Irish Pennsylvanian, under a similar opposition to the Copernican system. 'Tis almost incredible the quantity of fish and fowl these lakes supply. It is not uncommon in winter for a single man to kill from two to four hundred fowl in one evening; they fly between sundown and dark; the air is filled with them; they load and fire as fast as can without taking any particular aim, continuing at the same stand till they think they have killed enough, and then pick up what they have killed; they consist of several kinds of duck, geese, brant and swan. In summer the quantities of fish are nearly in proportion. One Indian with a bow and arrow, sometimes will kill them faster than another with two horses can bring them in; they weigh, some of them, thirty or forty pounds. The lakes likewise afford plenty of shells for lime, and at low water, the greater of them is a most luxuriant meadow, where the inhabitants fatten their horses.

All round these lakes above high water mark, there is a border of rich land, generally wide enough for a field. On the bank of one of them, there is plenty of stone coal, and several quarries of tolerable good building stone; at high water boats can go out of the river into them. Similar lakes are found all along Red river for five or six hundred miles, which, besides the uses already mentioned, nature seems to have provided as reservoirs for the immense quantity of water beyond what the anks of the river will contain, otherwise no part of them could be inhabited: the low grounds from hill to hill would be inundated. About twelve miles north of Natchitoches, on the north east side of the river, there is a large lake called *Lac Noiz;* the bayau of it communicates to the Rigula de Bondieu, opposite Natchitoch, which is boatable the greater part of the year. Near this lake are the salt works, from which all the salt that is used in the district is made, and which is made with so much ease, that two old men, both of them cripples, with ten or twelve old pots and kettles, have for several years past made an abundant supply of salt for the whole district; they inform me they make six bushels per day. I have not been at the place, but have a bottle of the water brought to me which I found nearly saturated. The salt is good. I never had better bacon than I make with it I am informed there are twelve saline springs now open, and by digging for them, for ought any one knows, twelve hundred might be opened. A few months ago, captain Burnet of the Mississippi territory, coming to this place by the Washita, came by the salt works, and purchased the right of one of the old men he found there, and has lately sent up a boat with some large kettles and some negroes, under the direction of his son, and expects when they get all in order, to be able to make thirty or forty bushels a day. Captain Burnet is of opinion that he shall be able to supply the Mississippi territory, and the settlements on Mississippi, from Point Coupee, upwards, lower than they can get it in New Orleans and bring it up. Cathartic salts and magnesia, might likewise be made in large quantities if they understood it. The country all round the Sabine and Black lake is vacant, and from thence to Washita, a distance of about one hundred and twenty miles, which I am informed affords considerable quantities of well timbered good uplands, and well watered. There is a small stream we cross on the Washita road, the English call it *Little river*, the French *Dogdimona*, affording a wide rich bottom: this stream falls into the Acatahola lake; from thence to Washita, it is called Acatahola river; its course is eastwardly and falls into Washita, near the mouth of Tensaw, where the road from Natchitoches to Natchez crosses it; from the confluence of these three rivers, downwards, it is called Black river, which falls into Red river, sixty miles below. There is a good salt spring near the Acatahola lake.

Ascending Red river above Natchitoches, in about three miles arrive at the upper mouth of the Rigula de Bondieu: there are settlements all along; plantations adjoining. From the upper mouth of the Rigula de Bondieu, the the river is one channel through the

settlement called Grand Ecore, of about six miles; it is called Grand Ecore, (or in English the Great Bluff) being such a one on the left hand side, near one hundred feet high. The face next the river almost perpendicular, of a soft white rock; the top a gravel loam, of considerable extent, on which grow large oaks, hickory, black cherry and grape vines. At the bottom of one of these bluffs, for there are two near each other, is a large quantity of stone-coal, and near them several springs of the best water in this part of the country, and a lake of clear water within two hundred yards, bounded by a gravelly margin. I pretend to have no knowledge of military tactics, but think from the river in this place being all in one channel, the goodness of the water, a high, healthy country, and well timbered all round it, no height near it so high, its commanding the river, and a very public ferry just under it, and at a small expense, would be capable of great defence with a small force. The road from it to the westward better than from Nachitoch, and by land only about five miles above it, and near it plenty of good building stone. These advantages it possesses beyond any other place within my knowledge on the river, for a strong fort and safe place of deposit. Just about this bluff the river makes a large bend to the right, and a long reach nearly due east and west by it; the bluff overlooks on the opposite side, several handsome plantations. I have been induced, from the advantages this place appeared to me to possess, to purchase it, with four or five small settlements adjoining, including both bluffs, the ferry, springs and lake, the stone quarries, and coal; and a field of about five hundred acres of the best low grounds on the opposite side. After leaving Grand Ecore about a mile, on the left side comes in a large bayau, from the Spanish lake, as it is called, boatable the greater part of the year. This lake is said to be about fifty miles in circumference, and rises and falls with the river into which, from the river, the largest boats may ascend, and from it, up the mouths of several large bayaus that fall into it, for some distance, one in particular called bayau Dupong, up which boats may ascend within one and a half mile of old fort Adaize. Leaving this bayau about two miles, arrive at a fork or division of the river; the left hand branch bears westwardly for sixty or eighty miles; then eastwardly, meeting the branch it left, after forming an island of about one hundred miles long, and in some places nearly thirty miles wide. Six or seven years ago, boats used to pass this way into the main river again; its communication with which being above the great raft or obstruction; but it is now choaked, and requires a portage of three miles; but at any season boats can go from Natchitoches, about eighty miles, to the place called the point, where the French had a factory, and a small station of soldiers to guard the Indian trade, and is now undoubtedly a very eligible situation for a similar establishment. The country bounded to the east and north by this branch or division of the river, is called the bayau Pierre settlement, which was begun, and some of the lands granted before Louisiana was ceded to Spain by France, and continued under the jurisdiction of the commandant

of Natchitoches until about twenty years ago, when by an agreement between a Mr. Vogone, then commandant of this place, and a Mr. Elibarbe, commandant at Natchitoches, the settlement called bayau Pierre, was placed under the jurisdiction of the latter, and has so continued ever since. The settlement I believe, contains about forty families, and generally they have large stocks of cattle; they supply us with our cheese entirely, and of a tolerable quality, and we get from them some excellent bacon hams. The country is interspersed with prairies, resembling, as to richness, the river bottoms, and in size, from five to five thousand acres. The hills are a good gray soil, and produce very well, and afford beautiful situations. The creek called Bayau Pierre (stony creek) passes through the settlement, and affords a number of good mill seats, and its bed and banks lined with a good kind of building stone, but no mills are erected on it. Some of the inhabitants have tried the uplands in wheat, which succeeded well. They are high, gently rolling, and rich enough; produce good corn, cotton and tobacco. I was through the settlement in July last, and found good water, either from a spring or well, at every house. The inhabitants are all French, one family excepted. A few miles to the westward, towards Sabine, there is a Saline, where the inhabitants go and make their salt. On the whole, for health, good water, good living, plenty of food for every kind of animal, general conveniency, and handsome surface, I have seen few parts of the world more inviting to settlers.

Returning back again to the fork of the main river we left, for the purpose of exploring the Bayau Pierre branch, we find irregular settlements, including Campti, where a few families are settled together on a hill near the river, northeast side. For about 20 miles, the river land is much the same every where, but the Campti, settlement is more broken with bayaus and lagoons than any place I am acquainted with on the river, and for want of about a dozen bridges is inconvenient to get to, or travel through. The upper end of this settlement is the last on the main branch of Red river, which, straight by land, does not exceed 25 miles above Natchitoches. At the upper house the great raft or jam of timber begins; this raft choaks the main channel for upwards or 100 miles, by the course of the river; not one entire jam from the beginning to the end of it, but only at the points, with places of several leagues that are clear. The river is very crooked, and the low grounds are wide and rich, and I am informed, no part of Red river will afford better plantations than along its banks by this raft, which is represented as being so important as to render the country above it of little value for settlements; this opinion is founded entirely upon incorrect information. The first or lowest part of the raft is at a bend or point in the river, just below the upper plantation, at which, on the right side, a larg bayau, or division of the river, called Bayau Channo, comes in, which is free of any obstructions, and the greater part of the year boats of any size may ascend it, into lake Bistino, through which, to its communication with the lake, is only about three miles; the lake is about 60

miles long, and lays nearly parallel with the river, from the upper end of which it communicates again with the river, by a bayau called *Daichet*, about 40 miles above the upper end of the raft; from the lake to the river, through Bayau Daichet, is called 9 miles; there is always in this bayau sufficient water for any boat to pass; from thence upwards Red river is free of all obstructions to the mountains. By lake Bistino, and these two bayaus, an island is formed, about 70 miles long, and three or four wide, capable of affording settlements inferior to none on the river. From the above account you will perceive, that the only difficulty in opening a boat passage by this raft, through the lake, which is much shorter than by the course of the river, and avoid the current, and indeed, was the river unobstructed, would always be preferred, is this small jam of timber at the point, just below the bayau Channo, as it is called.

After the receipt of your letter, I had an opportunity of seeing some of the inhabitants who live near this place, who informed me, that that small raft was easily broken, and that they had lately been talking of doing it. I persuaded them to make the attempt, and they accordingly appointed the Friday following, and all the neighbors were to be invited to attend and assist. They met accordingly, and effected a passage next to one bank of the river, so that boats could pass, but did not entirely break it; they intend to take another spell at it, when the water falls a little, and speak confidently of succeeding.

The country about the head of lake Bistino, is highly spoken of, as well the high lands, as the river bottom. There are falling into the river and lake in the vicinity, some handsome streams of clear wholesome water from towards Washita, one in particular called bayau Badkah by the Indians, which is boatable at some seasons; this bayau passes through a long, narrow and rich prairie, on which, my informant says 500 families might be desirably settled; and from thence up to where the Caddos lately lived, the river banks are high, bottoms wide and rich as any other part of the river. From thence it is much the same to the mouth of the Little river of the left; this river is generally from fifty to an hundred yards wide; heads in the great prairies, south of Red river, and interlocks with the head branches of the Sabine and Trinity rivers; and in times of high water is boatable forty or fifty leagues, affording a large body of excellent, well timbered and rich land, the low grounds from three to six miles wide; but the quality of the water, though clear, is very inferior to that of the streams that fall into Red river on the north side. The general course of the Red river from this upwards is nearly from west to east, till we arrive at the Panis towns, when it turns northwestwardly. After leaving the mouth of the Little river of the left, both banks are covered with strong, thick cane for about twenty miles; the low grounds very wide, rich, and do not overflow; the river widening in proportion as the banks are less liable to overflow; you arrive at a handsome, rich prairie, twenty-five miles long on the right side, and four or five miles wide; bounded by handsome

oak and hickory woods, mixed with some short-leaved pine, interspersed with pleasant streams and fountains of water. The opposite, or left side is a continuation of thick cane; the river or low lands ten or twelve miles wide. After leaving the prairie, the cane continues for about forty miles; you then arrive at another prairie, called Little prairie, left side, about five miles in length, and from two to three in breadth; opposite side continues cane as before; low lands wide; well timbered, very rich, and overflow but little; the river still widening. Back of the low grounds, is a well timbered, rich upland country; gently rolling and well watered; from the Little prairie, both banks cane for ten or twelve miles, when the oak and pine woods come bluff to the river for about five miles; left hand side, cane as before; then the same on both sides, for from ten to twenty miles wide, for about fifteen miles, when the Cedar begins on both sides, and is the principal growth on the wide, rich river bottom for forty miles; in all the world there is scarcely to be found a more beautiful growth of cedar timber; they, like the cedars of Libanus, are large, lofty and straight.

You now arrive at the mouth of the Little river of the right; this river is about one hundred and fifty yards wide; the water clear as chrystal; the bottom of the river stony, and is boatable at high water up to the great prairies, near two hundred miles by the course of the river; the low grounds generally from ten to fifteen miles wide, abounding with the most luxuriant growth of rich timber, but subject to partial inundation at particular rainy seasons. After leaving this river, both banks of Red river are cane as before, for about twenty miles, when you come to the round prairie, right side, about five miles in circumference. At this place Red river is fordable at low water; a hard stony bottom, and is the first place from its mouth where it can be forded. This round prairie is high and pleasant, surrounded by handsome oak and hickory uplands; left side cane as before, and then the same both sides for twenty miles, to the long prairie, left side, forty miles long; opposite side cane as before; near the middle of this prairie, there is a lake of about five miles in circumference, in an oval form, neither tree nor shrub near it, nor stream of water running either in or out of it; it is very deep, and the water so limpid that a fish may be seen fifteen feet from the surface. By the side of this lake the Caddoquies have lived from time immemorial. About one mile from the lake is the hill on which, they say the great spirit placed one Caddo family, who were saved when by a general deluge all the world were drowned; from which family all the Indians have originated. For this little natural eminence all the Indian tribes, as well as the Caddoquies, for a great distance, pay a devout and sacred homage. Here the French, for many years before Louisiana was ceded to Spain, had erected a small fort; kept some soldiers to guard a factory they had here established for the Indian trade, and several French families were settled in the vicinity, built a flour mill, and cultivated wheat successfully for several years; and it is only a few years ago that the mill irons and

mill stones were brought down: it is about twenty-five years since those French families moved down, and fourteen years since the Caddoquies left it. Here is another fording place when the river is low. On the opposite side a point of high oak, hickory, and pine land comes bluff to the river for about a mile; after which, thick cane to the upper end of the prairie; then the same on both sides for about twelve miles; then prairie on the left side for twenty miles, opposite side cane; then the same for thirty miles, then an oak high bluff three miles, cane again for about the same distance, on both sides; then for about one league, left side, is a beautiful grove of pacans, intermixed with no other growth; after which, cane both sides for forty miles; then prairie left side for twenty miles, and from one to two miles only in depth; about the middle of which comes in a bayau of clear running water, about fifty feet wide; then cane again both sides the river for about forty miles; then, on the right side, a point of high pine woods bluff to the river for about half a mile, cane again fifteen or sixteen miles; then a bluff of large white rocks for about half a mile, near an hundred feet high, cane again about forty-five miles, to a prairie on the right side, of about thirty miles long, and twelve or fifteen miles wide; there is a thin skirt of wood along the bank of the river, that when the leaves are on the trees, the prairie is from the river, scarcely to be seen. From the upper end of this prairie it is thick cane again for about six miles, when we arrive at the mouth of Bayau Galle, which is on the right side, about thirty yards wide, a beautiful, clear, running stream of wholesome well tasted water; after passing which it is thick cane again for twenty-five miles, when we arrive at a river that falls in on the right side, which is called by the Indians *Kiomitchie*, and by the French *La Riviere la Mine*, or Mine river, which is about one hundred and fifty yards wide, the water clear and good, and is boatable about sixty miles to the silver mine, which is on the bank of the river, and the ore appears in large quantities, but the richness of it is not known. The Indians inform of their discovering another, about a year ago, on a creek that empties into the Kiomitchie, about three miles from its mouth, the ore of which they say resembles the other. The bottom land of this river is not wide, but rich; the adjoining high lands are rich, well timbered, well watered and situated. About the mine the current of the river is too strong for boats to ascend it, the country being hilly. After passing the Kiomitchie, both banks of the river are covered with thick cane for twenty-five miles, then left side, a high pine bluff appears again to the river for about half a mile, after which nothing but cane again on each side for about forty miles, which brings you to the mouth of a handsome bayau, left side, called by the Indians *Nahaucha*, which in English, means the Kick; the French call it *Bois D'Arc*, or Bow-wood creek, from the large quantity of that wood that grows upon it. On this bayau trappers have been more successful in catching beaver than on any other water of Red river; it communicates with a lake three or four miles from its mouth, called Swan lake, from the great num-

ber of swan that frequent it; it is believed that this bayau is boatable at high water, for twenty or thirty leagues, from what I have been informed by some hunters with whom I have conversed, who have been upon it. The low grounds are from three to six miles wide, very rich, the principal growth on it is the Bois d'Arc. The great prairies approach pretty near the low grounds on each side of this creek; leaving which it is cane both sides for about eight miles, when we arrive at the mouth of the Vazzures, or Boggy river, which is about two hundred yards wide, soft miry bottom, the water whitish, but well tasted. Attempts have been made to ascend it in perogues, but it was found to be obstructed by a raft of logs, about twenty miles up. The current was found to be gentle, and depth of water sufficient; was the channel not obstructed might be ascended far up. The low grounds on this river are not as wide as on most of the rivers that fall into Red river, but very rich; the high lands are a strong clay soil; the principal growth oak. After leaving this river the banks of Red river are alternately cane and prairie; timber is very small and scattered along only in places; it is only now to be seen along the water courses. From the Boggy river to the Blue river is about fifty miles, which comes in on the right side. The water of this river is called *blue*, from its extreme transparency; it is said to be well tasted, and admired for its quality to drink. The bed of this river is lined generally with black and greyish flint stones; it is about fifty yards wide, and represented as a beautiful stream; perogues ascend it about sixty or seventy miles. The low grounds of Blue river are a good width for plantations, very rich; the growth pacan, and every species of the walnut. The whole country here, except on the margin of the water courses, is one immense prairie. After passing this river, copses of wood only are to be seen here and there along the river bank for about twenty-five miles to a small turgid river, called by the Indians *Bahachaha*, and by the French *Fouxoacheta;* some call it the Missouri branch of Red river; it emits a considerable quantity of water; runs from north to south, and falls into Red river nearly at right angles, and heads near the head of the Arkensa, and is so brackish it cannot be drank. On this river, and on a branch of the Arkensa, not far from it, the Indians find the salt rock; pieces of it have often been brought to Natchitoches by hunters, who procured it from the Indians. From the mouth of this river, through the prairie to the main branch of the Arkensa, is three days journey; perhaps sixty or seventy miles in a straight line. From this to the Panis, or Towrache towns, by land, is about thirty miles, and by water double that distance; the river is nearly a mile wide. The country on each side, for many hundreds of miles, is all prairie, except a skirt of wood along the river bank, and on the smaller streams; what trees there are, are small; the grass is green summer and winter. In between thirty three and thirty four degrees of north latitude, the soil is very rich, producing, luxuriously, every thing that is planted in it; the river,

from this upwards, for one hundred and fifty miles, continues at least a mile wide, and may be ascended in perogues.

Mr. Grappe, to whom I am indebted for the foregoing accurate description of Red river, informed me, that his personal knowlege of it did not extend but little above the Panis towns; but Mr. Brevel of the isle Brevel, who was born at the Caddo old towns, where he was, had been farther up it, and that whatever account he gave me might be relied on.

I therefore sought an opportunity, a few hours after, to obtain from Mr. Brevel the following narrative, which I wrote down from his own mouth, as he related it:

"About forty years ago, I sat off on foot, from the Panis nation (who then lived about fifty leagues above where they now live) in company with a party of young Indian men, with whom I had been partly raised, on a hunting voyage, and to procure horses. We kept up on the south side of Red river, as near it as we could conveniently cross the small streams that fall in, sometimes at some distance, and at others very near it, and in sight of it. We found the country all prairie, except small copses of wood, cedar, cotton wood, or musketo, amongst which a stick six inches in diameter could not be found; the surface becoming more and more light, sandy and hilly, with hedges of clifts of a greyish sandy rock, but every where covered with herbage. We found many small streams falling into the river, but none of any considerable size, or that discharged much water in dry seasons, but many deep gullies formed by the rain water. After travelling for several days over a country of this description, the country became more broken, the hills rising into mountains, amongst which we saw a great deal of rock salt, and an ore the Indians said was my (meaning the white people's) treasure, which I afterwards learned was silver. And that amongst these mountains of mines, we often heard a noise like the explosion of cannon, or distant thunder, which the Indians said was the spirit of the white people working in their treasure, which, I afterwards was informed was the blowing of the mines, as it is called, which is common in all parts of Spanish America where mines exist. The main branch of the river becoming smaller, till it divided into almost innumerable streams that issued out of the vallies amongst these mountains; the soil very light and sandy, of a reddish grey colour. We travelled on from the top of one mountain to the top of another, in hopes the one we were ascending was always the last, till the small streams we met with ran the contrary way, towards the setting sun, and the lands declining that way. We continued on till the streams enlarged into a river of considerable size, and the country became level, well timbered, the soil a rich black loam; the waters were all clear and well tasted. Here we found a great many different tribes of the Hietan, Appaches and Concee Indians; we likewise fell in with them frequently from the time we had been a few days out from the Panis towns, and were always treated kindly by them. I believe the distance from the Panis old towns to where we saw the last of Red

river water, is at least one hundred leagues; and in crossing over the ridge, we saw no animals that were not common in all the country of Louisiana, except the spotted tyger, and a few white bears. After spending some days on the western waters, we sat off for the settlements of St. a Fe; steering nearly a south east course, and in a few days were out of the timbered country into prairies; the country became broken and hilly; the waters all running westwardly; the country clothed with a luxuriant herbage, and frequently passing mines of silver ore. We arrived at length at a small, meanly built town in the St. a Fe settlement, containing about one hundred houses, round which were some small, cultivated fields, fenced round with small cedar and musketo brush, wattled in stakes. This little town was on a small stream of water that ran westwardly, and in a dry season scarcely run at all, and that the inhabitants were obliged to water their cattle from wells. And I understood that the bayau upon which this town is situated, was no part of Rio Grandi, but fell into the Western Ocean; but of that I might have been mistaken. I understood that similar small towns, or missions, were within certain distances of each other for a great extent southwardly, towards Mexico; and that the inhabitants were mostly christianised Indians and Matiffs. That the mines in that settlement afforded very rich ore, which was taken away in large quantities, packed on mules, and had the same appearance of what we met with about the head branches of Red river. After furnishing ourselves with horses at this place, we sat off again for the Panis towns, from whence we started, steering at first southwardly, in order to avoid a high, mountainous country that is difficult to cross, that lies between St. a Fe and Red river. After travelling some distance south, we turned our course northeastwardly, and arrived at the Panis towns in eighteen days from the day we left St. a Fe settlements; and three months and twenty days from the time we started."

He is of the opinion that from the Panis towns to St. a Fe, in a right line, is nearly three hundred miles, and all the country prairie, a few scattering cedar knobs excepted. After he had finished his narrative, I asked him how far Red river was boatable. He said not much above the Panis old towns; not that he knew of any particular falls or obstructions, but that the head branches of the river came from steep mountains, on which the rain often poured down in torrents, and runs to the river with such velocity, sweeping along with it large quantities of loose earth, of which these hills and mountains are composed: that it rolls like a swell in the sea, and would either sink or carry along with it any boat that it might meet in the river. But, he observed at the same time, that his opinion was founded on no experiment that he had ever known made. I asked him if the Indians had no perogues high up in the river. He told me that the Indians there knew nothing of the use of them, for instead of there being for hundreds of miles a tree large enough for a canoe, one could scarcely be found large enough to make a fowl trough. I asked him what animals were found in the Great Prairies. He told

me, from Blue river, upwards, on both sides of Red river, there were innumerable quantities of wild horses, buffaloes bears, wolves, elk, deer, foxes, sangliers or wild hogs, antelope, white hares, rabbits, &c. and on the mountains the spotted tyger, panther, and wild cat. He further told me that about twenty three years ago, he was employed by the governor of St. Antoine, to go from that place into some of the Indian nations that lived towards St. a Fe, who were at war with the Spaniards, to try to make a peace with them, and bring in some of the chiefs to St. Antoine. He sat off from that place with a party of soldiers, and was to have gone to St. a Fe; they passed on a northwestwardly course for about two hundred miles, but after getting into the Great Prairie, being a dry season, they were forced to turn back for want of water for themselves and horses, and that he does not know how near he went to St. a Fe, but believes he might have been half way.

The accounts given by Mr. Brevel, Mr. Grappe, and all other hunters with whom I have conversed, of the immense droves of animals that at the beginning of winter, descend from the mountains southwardly, into the timbered country, is almost incredible. They say the buffaloe and bear particularly, are in droves of many thousands together, that blacken the whole surface of the earth, and continue passing, without intermission, for weeks together, so that the whole surface of the country is for many miles in breadth, trodden like a large road.

I am, sir, &c. &c.

(Signed) JOHN SIBLEY.

Natchitoches, 10*th April*, 1805.

DISTANCES UP RED RIVER, BY THE COURSE OF THE RIVER.

	Miles.	
From the mouth of Red river to Black river -	31	
to Baker's landing, lower end Avoyal, - -	51	
La Glee's ditto, upper end Avoyal, -	15	
Rice's, - - - - -	6	
Hoome's, - - - -	18	
Nicholas Grubb's, - - -	21	
mouth of bayau Rapide, - -	15	
	—	157
Indian villages, - - - -	22	
Mount Pleasant, Gillard's place, - -	7	
mouth of Rigula de Bondieu, - -	6	
Mounete's plantation, - - - -	10	
mouth of Little river, - - -	24	
bayau Brevel, - - - -	20	
Natchitoches, - - - - -	20	
	—	109
		266

Brought over,	-	266
Grand Ecore, - - - -	10	
Compti, - - - -	20	
bayau Channo, - - -	15	
lake Bistino, through bayau Channo, - -	3	
through lake Bistino to the upper end of Channo,	60	
through bayau Daichet to the river again, -	9	
late Caddo villages, where they lived 5 years ago,	80	
	—	197
Little river of the left, - - -	80	
long prairie, right side, - -	25	
upper end of ditto, - - -	25	
little prairie, left side, - -	40	
upper end ditto, - - -	5	
	—	175
pine bluff, right side, - - -	12	
upper end, ditto, - - - -	5	
cedars, - - - -	15	
upper end ditto, and mouth of Little river of the right, - - - -	40	
	—	72
round prairie, right side, (first fording place)	20	
lower end of long prairie, left side, - -	25	
upper end ditto, - -	40	
next prairie same side, - -	12	
upper end of the same, - - -	20	
three mile oak and pine bluff, - -	30	
Pacan grove, - - -	9	
upper end of the same, - - -	6	
	—	162
prairie next above the pacans, - -	40	
upper end of the same, - - -	25	
pine bluff right side, - -	45	
white oak bluff, - - -	15	
next prairie right side, - -	45	
upper end ditto, - - -	30	
bayau Galle, right side, - -	6	
mouth of Kiomitchie, or mine river, -	25	
	—	231
pine bluff left side, - -	25	
bayau Kick, or Bois d'arc creek, - -	40	
the Vazzures, or Boggy river, right side,	8	
Blue river, right side, - -	50	
Faux Oacheto or Missouri branch, - -	25	
Panis or Towiache towns, - -	70	
Panis or ditto, old towns, - - -	150	
head branch of Red river, or dividing ridge,	300	
	—	668

Brought over,		668
To which may be added for so much the distance being shortened by going through lake Bistino, than the course of the river,		60
		1,831
Computed length of Red river from where it falls into the Missisippi, to which add the distance from the mouth of Red river to the ocean, by either the Missisippi, or the Cheffeli, which was once probably the mouth of Red river,		320
Total length of Red river,	*miles*	2,151

AN ACCOUNT OF LOUISIANA AT THE TIME OF ITS TRANSFER TO THE UNITED STATES.*

THE precise boundaries of Louisiana, on the north, and west are very extensive, but are at present somewhat doubtful. From the source of the Missisippi, it is bounded eastward by the middle of the channel of that river to the thirty-first degree of latitude: thence, according to its limits, when formerly possessed by France, it stretches eastward as far, at least, as the river Perdigo, which runs into the bay of Mexico, east of the river Mobille.

Louisiana,† including the Mobille settlements, was discovered and peopled by the French. Their monarch made several grants of its trade, one in particular, to Mr. Crosat in 1712, and some years afterwards, with his acquiescence, to the company projected by the notorious Law. This company was dissolved in the year 1731.

By a secret convention made on the 3d of November 1762, the French government ceded so much of the province as lies west of the Missisippi, with the island of New-Orleans, to Spain, and, by the treaty of peace which followed in 1763, the whole territory of France and Spain east of the middle of the Missisippi to the Iberville, thence through the middle of that river, and the lakes Maurepas and Ponchartrain to the sea, was ceded to Great Britain. Spain having conquered the Floridas from Great Britain during the American war, they were confirmed to her by the treaty of 1783.

By the treaty of St. Ildefonso, of the 1st of October, 1800, the king of Spain engages to re-cede to the French Republic; six months after

* This account carefully abstracted from a work, which was itself an abstract of the documents, in the offices of the departments of state and of the treasury, published by the government in 1803. The substance of that work is here delivered with all possible conciseness Ed.

† So named after Louis the fourteenth, by the first discoverers.

the full execution of the articles therein contained, relative to the Duke of Parma, "the colony or province of Louisiana, with the same extent that it actually has in the hands of Spain, that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other states." This treaty was confirmed and enforced by that of Madrid, of the 21st of March, 1801. From France it passed to the United States by the treaty of the 30th of April, 1803, which referred to the above clause, as descriptive of the limits.

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Divisions of the province.

The province is held by Spain, including a part of West Florida, has the following principal divisions: Mobille, from Balize* to the city; New-Orleans and the country on both sides of Lake Ponchartrain; First and Second German coasts; Catahanose; Forche;† Venezuela; Iberville; Galvez-Town; Baton-Rouge;‡ Pointe Coupee; Atacapas; Opelousas; Ouachita; Avoyelles; Rapide; Nachitoches; Arkansas; and the Illinois.

In the Illinois there are subordinate commandants, at New-Madrid, St. Genevieve, New-Bourbon, St. Charles and St. Andrews.

Baton-Rouge‡ having been made a government, subsequently to the treaty with Spain, the posts of Manchac and Thompson's Creek, or Feliciana, were added to it.

Chapitoulas has sometimes been regarded as a separate commandery but is now included within the jurisdiction of the city. The lower part of the river, has likewise had occasionally a separate commandant.

Many of the present settlements severed from each other by immense and trackless deserts, they have no singular communication with each other by land, now and then the wilderness is traversed by hunters, who swim rivers, expose themselves to the inclemency of the weather, and carry their provisions on their backs during their journey. In the regions west of the Missisippi, the communication is kept up only by water, between the capital and the distant settlements; three months being in some cases required to convey intelligence from one to the other by the Missisippi. The usual distance accomplished by a boat in ascending, is fifteen miles a day.

The rapidity of the current, especilly in spring, when the waters of all the rivers are swelled, facilitates the descent, so that the same voyage which requires three or four months to perform from the capital, may be made to it in twelve or sixteen days. The principal settlements in Louisiana, are on the Missisippi. The banks of that river begin to be cultivated about sixty miles from the sea. At first the plantations are thin, and owned by the poorest people. Ascend-

* The sea mark. † A fork or branching point. ‡ A red staff.

ing, you see them improve on each side, till you reach the city, which is situated on the east bank, on a bend of the river, an hundred and five miles from the sea.

The best and most tracts are above the city; they comprehend what is there known by the names of *Paroisse de Chapitoulas*, *Premier and Second Cotes des Allemands*, and extend forty-eight miles.

Above this begins the parish of Catahanose, or first Acadian settlement, extending twenty-four miles on the river. Adjoining it, and still ascending is the second Acadian settlement or parish of the *Fourche*, which extends about eighteen miles. The parish of Iberville then commences, and is bounded on the east by the river of the same name, which though dry a great part of the year, yet, when the Missisippi is raised, communicates with the lakes Maurepas and Ponchartrain, and through them with the sea, thus forming what is called the island of New Orleans. Except on the point just below the Iberville, the districts are settled the whole way along the river, and present an uninterrupted series of plantations adjoining each other. Their fronts to the Missisippi, are all cleared and extend on that river from a thousand feet to a mile in breadth, with a depth of eight thousand feet; so that a plantation of a thousand feet in front contains two hundred acres. A few sugar plantations are formed in the parish of Catahanose, but the remainder is devoted to cotton and provisions, and the whole have an excellent soil incapable of being exhausted. The plantations are but one deep on the island of New-Orleans, and on the opposite side of the river as far as the mouth of the Iberville, which is an hundred and five miles above New Orleans.

About seventy-five miles above New Orleans on the west side of the Missisippi, the creek or *Bayou* of the *Fourche*, called in old maps *La Riviere des Chitamaches*, flows from the Missisippi, and enters the sea west of the Balise. The entrance of the Missisippi is navigable only at high water, but will then admit craft of sixty and seventy tons burthen. On both banks of this creek are settlements, one plantation deep, for near forty-five miles, which are divided into two parishes. The settlers are numerous, though poor, and the culture is universally cotton. On all the channels detached from the main stream of the Missisippi, the soil is the same as on the banks of the river, and the border is the highest part of it, from whence it descends gradually to the swamp. No where in the low lands is there room for more than one plantation, before you come to the low wet grounds incapable of cultivation. The *Fourche* affords one of the communications to the two populous and rich settlements of Atacapas and Opelousas formed near the small rivers Teche and Vermillon, which flow into the bay of Mexico. But the principal and swiftest communication is by the *Bayou* or channel of Plaquemines, whose entrance into the Missisippi is twenty-one miles higher up on the same side, and ninety-six above New Orleans. The settlements abound in cattle and horses, have much good land in their vicinity, and may be made of great importance. A part of their produce is

sent by sea to New Orleans, but the greater part is carried in batteaux by the creeks above mentioned.

Immediately above the Iberville, and on both sides of the Missisippi lies the parish of Manchac, which extends twelve miles on the river, and is well cultivated. Above it commences the settlement of Baton Rouge, extending about twenty-seven miles. It is remarkable as being the first place, where the high land is contiguous to the river, and here it forms a bluff from thirty to forty feet above the greatest rise of the river. Here the settlements extend a considerable way back on the east side; and this parish has that of Thompson's creek and Bayou Sara subordinate to it. The mouth of the first of these creeks is near an hundred and fifty miles from New Orleans, and that of the latter six or eight miles higher up. They run from north-east to south-west, and their head waters are north of the 31st degree of latitude. Their banks have the best soil, and the greatest number of good cotton plantations of any part of Louisiana, and are allowed to be the garden of it.

Above Baton Rouge, an hundred and fifty miles from New Orleans, and on the west side of the Missisippi is Pointe Coupee, a populous and rich settlement, extending twenty-four miles along the river Its produce is cotton. Behind it, on an old bed of the river, now a lake, whose outlets are closed up, is the settlement of *Fausse riviere*, which is well cultivated.

The tract now described extending to the sea, and including the last mentioned settlement, contains three-fourths of the population, and seven-eighths of the riches of Louisiana.

From the settlement of Pointe Coupee on the Missisippi, to cape Girardeau above the mouth of the Ohio, the land on the west side is overflowed in the spring, as far back as thirty miles from the river, with a depth between two and twelve feet, except a small spot near New Madrid, so that in the whole extent it is impossible to form a considerable settlement contiguous to the river on that side. The eastern bank has in this respect an advantage over the western, as there are on it many situations which effectually command the river.

On the west side of the Missisippi, two hundred and ten miles from New Orleans, is the mouth of the Red river, on whose banks are the settlements of Rapide, Avoyelles and Natchitoches, all of them thriving and populous. The latter is situate two hundred and twenty-five miles up the Red river. On the north side of the Red river a few miles from its junction with the Missisippi is the Black river, on one of whose branches, a considerable way up, is the infant settlement of Ouachita, which from the richness of the soil will become a place of importance. Cotton is the chief produce, but they have likewise a considerable Indian trade. The river Rouge, or Red river, is used for intercourse with the frontiers of New Mexico.

There is no other settlement on the Missisippi except the small one called Concord, opposite to the Natchez, till we reach the Ar-

kansas river, whose mouth is seven hundred and fifty miles above New Orleans.

Here there are a few families, who are more addicted to the Indian trade, by which chiefly they live, than to husbandry. There is no settlement from this place to New Madrid, which is itself inconsiderable. Ascending the river you come to cape Girardeau, St. Genevieve and St. Louis, where, though the inhabitants are numerous, they raise little for exportation, and confine themselves to trading with the Indians and to working a few lead mines. This country is very fertile, especially on the banks of the Missouri, where there have been formed two settlements, called St. Charles and St. Andrew, mostly by emigrants from Kentucky. The peltry procured in the Illinois is the best sent to the Atlantic market; and the quantity is very considerable. Lead is to be had with ease, and in such quantities as to supply all Europe, if there were hands to work the numerous mines to be found in many places two or three feet below the surface. The settlements about the Illinois were first made by the Canadians, and their inhabitants still resemble them in their aversion to labor, and love of a wandering life. They contain but few negroes in proportion to the whites; in general, in proportion to the distance of the capital, the proportion of blacks diminishes; they of course abound most on rich plantations in its neighbourhood.

Compared with the Indiana territory, Upper Louisiana has a more broken surface, though the soil is equally fertile. The west side of the river possesses some advantages, not generally belonging to those regions. It is elevated and healthy, and well watered, with many large and rapid streams, adapted to mills and other waterworks. From cape Girardeau, above the mouth of the Ohio, to the Missouri, the land on the east side of the Missisippi is low and flat, and occasionally exposed to inundations; on the opposite side, contiguous to the river, it is generally much higher, and in many places very rocky on the shore. Some of the heights exhibit scenes truly picturesque. They rise to a height of at least three hundred feet, are faced with perpendicular *lime and free-stone*, carved into various phantastic figures by the hand of nature, and sometimes affording the appearance of a groupe of antique towers. From the tops of these eminences the land gradually slopes back from the river, without gravel or rock, and is covered with valuable timber. In fertility of soil, no part of the world exceeds the borders of the Missisippi, the land yielding all the necessaries of life in abundance, and almost spontaneously; very little labor being required in the cultivation of the earth. That part of Upper Louisiana, which borders on northern Mexico, is one immense *prairie* or natural meadow, it produces nothing but grass, it is crouded with buffaloes, deer, and other kinds of game; the land is represented as too rich for the growth of forest trees.

Upper Louisiana is said to contain in its bowels many silver and copper mines, and various specimens of both are exhibited. Several trials have been made to ascertain the fact; but want of skill in the enquirers has hitherto left the matter in doubt.

The salt works are also pretty numerous; some belonging to private persons, others to the public. They already yield an abundant supply for the consumption of the neighbouring country; and if properly managed, might become an article of exportation. The usual price per bushel is one hundred and fifty cents in *cash* at the works. This price will be still lower as soon as the manufacture is undertaken by government, or by men who have large capitals to employ in the business About a thousand miles up the Missouri, and not far from that river, a great mass of salt is said to exist by many respectable and enterprising traders, who have visited it, and who have exhibited several bushels of the salt to the curiosity of the people of St. Louis. A specimen has also been sent to Marietta.

This mass is said to form one body of rock salt, one hundred and eighty miles long, and forty-five in width*, without any trees, or even shrubs on it. Salt springs are very numerous beneath the surface, and they flow through its fissures and cavities.

Caves of salt-petre are found in Upper Louisiana, though at some distance from the settlements. Four men lately discovered one several hundred miles up the Missouri. They spent five or six weeks in the manufacture of this article, and returned to St. Louis with four hundred weight of it. It proved to be good and they sold it for a high price.

The geography of the Missisippi and Missouri, and their relative distance for a great part of their course, are but little known. The traders assert, that an hundred miles above their junction, a man may walk from one to the other in a day; and it is also asserted that seven hundred miles higher, the portage may be crossed in four or five days. This portage is frequented by traders, who carry on a considerable trade with some of the Missouri Indians. Their general route is through Green bay, which is an arm of lake Michigan; they then pass into a small lake connected with it, and with the Fox river; they then cross over a short portage into the Ouisconsing river, which enters the Missisippi some distance below the falls of St. Anthony. It is also said that the traders communicate with the Missisippi above these falls, through lake Superior; but their trade in that quarter is inconsiderable.

Behind New-Orleans is a canal about a mile and a half long, which communicates with a creek called the Bayou St. Jean, flowing into lake Ponchartrain. At the mouth of it, about seven miles from the city is a small fort called St. Jean, which commands the entrance at the lake. By this creek the communication is kept up through the lake and the Rigolets with Mobille, and the settlements in West Florida. Craft, drawing from six to eight feet water can reach the

* The testimony of occasional travellers and traders can afford no ground for believing in the existence of one solid continuous mass of these dimensions. It is impossible for such observers to have ascertained the fact as here stated. Their reports can only authorise us in believing in general, that rock-salt abounds in this quarter. Ed.

mouth of the creek, but unless aided by extraordinary swells of the lake cannot pass the bar without being lightened.

On the east side of the Missisippi, about fifteen miles below New-Orleans and at the head of the English bend, is a settlement known by the name of the Poblacion de St. Bernardo, or the Terre aux Bœufs, extending on both sides of a creek whose head is contiguous to the Missisippi, and which flowing eastward, after a course of fifty-four miles and dividing itself into two branches, falls into the sea and lake Borgne. This settlement consists of two parishes, almost all the inhabitants of which are Spaniards from the Canaries, who merely raise fowls, corn, and garden vegetables for the market at New Orleans. The lands cannot be cultivated at any great distance from the creek, by reason of a marsh behind them, but the place is susceptible of great improvement and of affording another communication to small craft of eight or ten feet draught, between the sea and the Missisippi.

Forty-eight miles below New Orleans, the settlements on both sides are of small account. Between these and the fort of Plaquemines, the country is overflowed in the spring, and in many places is incapable of cultivation at any time, being a morass almost impassable by man or beast. This small tongue of land extends considerably into the sea, which is visible on both sides of the Missisippi from a mast head.

From Plaquemines to the sea is thirty or forty miles. The country is a swamp, chiefly covered with reeds, and having little or no timber and no settlement. The whole country below the English Turn is subject, though rarely, to overflows in hurricanes, either by the recoiling of the river or reflux from the sea on each side; and more than once it has been covered with a depth of two to ten feet, according to the descent of the river, whereby many lives were lost, and cattle swept away. The last calamity of this kind happened in 1794. In the preceding year the engineer who superintended the erection of the fort of Plaquemines was drowned in his house near the fort, and the workmen and garrison escaped only by taking refuge on an elevated spot in the fort, on which there were notwithstanding two or three feet of water. These hurricanes have generally been felt in August. Their greatest fury lasts about twelve hours. They commence in the south east, veer about to all points of the compass, are felt most severely below and seldom extend more than a few leagues above New Orleans. In their whole course they are marked with desolation. Till that of 1793, none had been felt from the year 1780.

About twenty-four miles below Plaquemines the Missisippi divides itself into three channels, which are called the East, South, and South West passes. Their course is from fifteen to eighteen miles to the sea. The space between is a marsh with little or no timber on it; but its situation may hereafter render it of some importance. The East pass, which is on the left hand going down is divided into two branches about six miles below the pass a la Loutre, and the Ba-

lize, at which there is a small block house and some huts of pilots, who reside only here. The first of these secondary channels contains, at present but eight feet water; the latter from fourteen to sixteen, according to the season. The South pass, directly in front of the Missisippi, has always been reckoned impassable, but it has ten feet water. The South West pass, on the right, is the longest and narrowest. A few years ago it had eighteen feet water, and was that by which the large ships always entered and issued from the Missisippi. It has now but eight feet water, and will probably remain so for some time. We must be understood of the depth of water on the bar of each pass; for immediately within the bar, which is very narrow, there are from five to seven fathoms at all times.

The country east of lake Ponchartrain to Mobille and including the whole extent between the American line, the Missisippi above New Orleans, and the lakes, a tract of about thirty miles square, contiguous to the line, and comprehending the waters of Thompson's creek, Bayou Sara and the Amet, is a poor thin soil overgrown with pines, and contains no good land, unless on the banks of a few small rivers. It would, however, afford abundant supplies of pitch, tar, and pine lumber, and would feed large herds of cattle.

The inhabitants of Louisiana are chiefly descendants of emigrants immediately from France or from Canada. There are a considerable number of English and Americans in New Orleans. The two German coasts are peopled by the descendants of settlers from Germany, and a few French mixed with them. The three succeeding settlements up to Baton Rouge contain, mostly, Acadians, banished from Nova Scotia by the English, and their descendants. The district of Baton Rouge, especially the east side, which includes all the country between the Iberville and the American line, is composed partly of Acadians, a very few French, and of a great many Americans. On the west side are mostly Acadians. At Point Coupee and Faussee river are French and Acadians. Of the Atacapas and Opelousas, a considerable part is American. Natchitoches, on the Red river, contains few Americans, the remainder being French; but the former are more numerous in the other settlements on that river: Avoyelles, Rapide, and Ouacheta. At Arkansas they are mostly French; and at New Madrid, Americans. At least two-fifths of all the settlers on the Spanish side of the Missisippi, in the Illinois country, are likewise supposed to be Americans. Below New Orleans the people are altogether Frenchmen and their descendants.

Louisiana, in its lower part, projecting considerably into the sea, has probably been formed by the matters brought down by the current and deposited on the flat coast. There is therefore on the east side but a very narrow slip along the river, from the sea to the Iberville. The land is not generally cultivable more than a mile backward from the river; the rest is low and swampy as far as the lakes and the sea, but abounds with cyprus. The timber is sawed by mills, worked by

artificial streams from the Missisippi in freshet time. They generally run five months in the year.

On both sides of the river the soil and situation are nearly the same. After leaving the edge there is an immense swamp, intersected by creeks and chequered by lakes, extending to the high lands of Atacapas, and occupying a space of a hundred or more miles.

The city of New Orleans is regularly laid out, on the east side of the Missisippi, in lat. 30, N. and long. 90, W. It extends nearly a mile along the river, from the gate of France on the south, to that of Chapitoulas above, and about a third of a mile in breadth, from the river to the rampart: but it has an extensive suburb on the upper side.

The houses in front of the river and for a street or two backward, are mostly of brick, covered with slate or tile, and many of two stories. The remainder are of wood, roofed with shingles. The streets cross each other at right angles, and are thirty-two French feet wide. The intervals between the intersections of the streets, are, in length, about three hundred feet. here is in the middle of the city, on the river, *a place d'armes*, facing which are the church and town house. There are from twelve to fourteen hundred houses in the city and suburbs. The population may be rated at ten thousand, including the seamen and garrison. It was fortified in 1793, but the works were originally defective, could not have been defended, and are now in ruins. The powder magazine is on the opposite bank of the river.

The following is public property.

Two very extensive brick warehouses, from one hundred and sixty to one hundred and eighty feet in length, and about thirty in breadth, one story high, and roofed with shingles.

A government house, stables, and garden, two hundred and twenty feet in length on the river, in the middle of the town, and extending three hundred and thirty-six feet back to the next street.

A military hospital.

A custom-house, ill-built, of wood, almost in ruins, in the upper part of the city, near the river.

An extensive barrack in the lower part of the city, fronting the river, suitable for twelve or fourteen hundred men.

A large lot adjoining the public warehouses, with a few sheds in it. It serves as a park for artillery.

A prison; town house; market house; assembly room; some ground rents; and the common about the town.

A public school for the rudiments of the Spanish language.

A cathedral church unfinished, and some houses belonging to it.

An hospital, with some houses belonging to it, and a revenue of fifteen hundred dollars a year given by an individual lately deceased.

The canal of Carondelet.

The population of Louisiana, including Pensacola and the Nachez, in 1785, amounted to thirty-two thousand and sixty two, of which fourteen thousand two hundred and fifteen were free whites, one thou-

sand three hundred and three free people of colour, and sixteen thousand five hundred and forty-four slaves.

The latest documents make the whole number forty-two thousand three hundred and seventy-five, the free whites twenty-one thousand two hundred and forty-four, the free people of colour one thousand seven hundred and sixty-eight, and the slaves twelve thousand nine hundred and twenty.

These estimates are certainly below the truth. From an official account drawn up, in 1802, it appears that it contained two thousand two hundred and seventy whites, two hundred and ten free people of colour, one thousand two hundred and sixty-six slaves, in all three thousand seven hundred and forty-six souls.

A conjectural, but probable estimate made, raises the number of whites in the island of New Orleans, on the west side of the river, and some settlements on the east side, to fifty thousand one hundred and fifty, and the number of blacks to thirty-nine thousand eight hundred and twenty.

Of the militia in Louisiana, the following is the return made by the baron of Carondelet.

From Balize to the city; volunteers of the Missisippi; four companies of one hundred men each, complete		400
City.	Battalion of the city, five companies,	500
	Artillery company, with supernumeraries,	120
	Carabineers, or privileged companies of horse, two companies of seventy each—incomplete,	100
	Mulattoes, two companies; negroes one do.	300
Mixed legion of the Missisippi, comprehending Galveztown, Baton Rouge, Pointe Coupee, Atacapas, and Opelousas, viz.		
2 companies of grenadiers.		
8 do.	of fusileers.	
4 do.	of dragoons.	
2 do.	lately added from bayou Sara.	
16 companies of 100 men each,		1600
Avoyelles, one company of infantry,		100
Oucheta, one do.	of cavalry,	100
Natchitoches, one do.	of infantry and one of cavalry,	200
Arkansas, one do.	of infantry and cavalry,	100
Illinois, four do.	of cavalry, } These are always above }	800
four do.	of infantry, } the compliment. }	
Provincial regiment of Germans and Acadians, from the first German coast to Iberville,		
Ten companies, viz. two of grenadiers, eight of fusileers,		1000
Mobile and the country east of lake Ponchartrain.		
Two companies of horse and foot incomplete,		120
		5440

The person before alluded to, makes the militia amount to ten thousand three hundred and forty men within the same limits to which his estimate of the population applies. He distributes them in the several settlements, as follows :

1.	The island of New Orleans, with the opposite margin and the adjacent settlements,	5000
2.	The west margin from Manchac, including Pointe Coupee, and extending to the Red river,	800
3.	Atacapas, along the coast between the Delta of the Missisippi and the river Sabine, - - -	350
4.	Opelousas, - - - - -	750
5.	Red river including bayou Bœuf, Avoyelles, Rapide, and Natchitoches, - - - - - - - - -	1000
6.	Ouacheta, - - - - - - - - -	300
7.	Concord, - - - - - - - - -	40
8.	Arkansas, - - - - - - - - -	150
9.	New Madrid and its vicinity, - - - - -	350
10.	Illinois and Missouri, - - - - - -	1000
11.	The settlements on the east side of the Missisippi, from the American line to the Iberville, and some other settlements, - - - - - - - - - -	600
		10,340

None of these statements include the country beyond the river Sabine, nor even all those which lie eastward of it.

St. Louis has a lieutenant colonel and a few troops. Baton Rouge is an ill constructed fort, and has about fifty men. We may add to these the small fort of St. Jean, and the block house at the Balize. The fortifications of New Orleans consist of five ill constructed redoubts, with a covered way, palisade and ditch. The whole is going fast to decay, and would be of little service if attacked. The powder magazine is on the opposite side of the river, and no sufficient provision is made for its removal to the city, in time of need.

The fort of Plaquemines, about thirty-six miles from the sea, is an ill constructed, irregular brick work, in a ruinous state, on the eastern side of the Missisippi, with a ditch towards the river, and protected on the lower side by a deep creek, flowing from the river to the sea. It is, however, almost without defence behind; too much reliance having been placed on the swampiness of the ground, which hardens daily. It might be taken, perhaps, by escalade, without difficulty. The principal front is meant to defend the approach from the sea, and can mount, at most, but eight heavy guns. It is built at a turn in the river, where ships in general must anchor, as the wind which brings them up so far, is contrary in the next reach, which they mostly warp through, and are therefore exposed to the fire of the fort. On the opposite bank are the ruins of a small closed redoubt, called fort Bourbon, usually guarded by a serjeant's command. Its fire was intended to flank that of the fort of Plaquemines, and pre-

vent vessels passing on that side. When a vessel appears, a signal is made on one side, and answered on the other. She must send a boat on shore, or be fired on.

On the eastern bank of the Missisippi, about seventy-five miles above Orleans, are found the remains of the nation of Houmas, or Red Men, which do not exceed sixty persons. No other Indians are settled on this side of the river, either in Louisiana or West Florida, though parties of wandering Choctaws sometimes visit this quarter.

On the west side of the Missisippi are the remains of the Tounicas settled near, Pointe Coupee, consisting of fifty or sixty persons.

On the lower parts of the bayou Teche, about thirty miles from the sea, are two villages of Chitimachas, consisting of about an hundred souls.

The Atacapas, properly so called, dispersed throughout the district, and chiefly on the bayou or creek of vermillion, are about one hundred souls.

The wanderers of the tribes of Bilexis and Choctaws on bayou Crocodile, which empties into the Teche, are about fifty souls.

Two villages of Alibamas in the centre of the district near the church, consist of one hundred persons.

Conchates dispersed through the country as far west as the river Sabinas and its neighbourhood, are about three hundred and fifty persons.

At Avoyelles, sixty miles from the Missisippi, is a village of the Biloni nation, and another on the lake of the Avoyelles, in the whole about sixty souls.

At the Rapide, eighty miles from the Missisippi, is a village of Choctaws of one hundred souls, and another of Biloxes, about six miles from it, of about one hundred more: about thirty miles higher up the Red river, is a village of about fifty souls. All these are occasionally employed by the settlers in their neighbourhood as boatmen.

About two hundred miles above Natchitoches, on the Red river, are the Cadoquies, called Cados. They can raise from three to four hundred warriors, are friends of the whites, and are esteemed the bravest and most generous of all the native tribes. They are rapidly decreasing, owing to intemperance and the numbers annually destroyed by the Osages and Choctaws.

There are four or five hundred families of Choctaws dispersed on the west side of the Missisippi, on the Ouacheta and Red rivers, as far west as Natchitoches, and the whole tribe would have crossed the Missisippi, but for the opposition of the Spaniards and the Indians on that side who had suffered by their depredations.

Between the Red river and the Arkansas there are scattered the remains of tribes now almost extinct. On the last river is a tribe of the same name, consisting of about two hundred and sixty warriors; they are brave, yet peaceable and well disposed, have always been attached to the French, and joined them against the Chickasaws,

whom they have always encountered with success. They live in three villages, the first is fifty miles from the Missisippi on the Arkansas river, and the others are nine and twelve miles from the first. A scarcity of game on the eastern side of the Missisippi has lately induced a number of Cherokees, Choctaws, Chickasaws, &c. to frequent the borders of the Arkansas, where game still abounds: they intermarry with the Arkansas, and seem inclined to incorporate themselves with that nation. The number is considerable, and is every day increasing.

On the river St. Francis, near New Madrid, cape Girardeau, riviere a la Pomme and the environs, are settled a number of outcast Delawares, Shawnese, Miamis, Chickasaws, Cherokees, Piorias, and are supposed to consist in all of five hundred families: they are sometimes troublesome to the boats descending the river, and have even plundered some of them, and committed a few murders: they are addicted to liquor, seldom remain long in one place; many of them speak English, all understand it, and some even read and write it.

At St. Genevieve, mixed with the whites, are about thirty Piorias, Kaskaskias, and Illinois, who seldom hunt, for fear of the other Indians: they are the remnant of a tribe which, fifty years ago, could bring into the field twelve hundred warriors.

On the Missouri and its waters are many large tribes, the best known of which are, the Osages, situated on the river of the same name, on the right of the Missouri, about two hundred miles from its confluence with it: they consist of one thousand warriors, who live in two settlements near each other. They are of gigantic stature and well proportioned, are enemies of the whites and of all other Indian nations, and commit depredations from the Illinois to the Arkansas. The trade of this nation is said to be under an exclusive grant. They are a cruel and ferocious race, and are hated and feared by all the other Indians. The confluence of the Osage river with the Missouri is about twenty-five miles from the Missisippi.

An hundred and eighty miles higher up the Missouri, and onth e same bank, is the river Kanzas, and on it the nation of the same name, but at about two hundred miles from its mouth. It consists of about two hundred and fifty warriors, who are as fierce and cruel as the Osages, and often maltreat those who trade among them.

An hundred and eighty miles above the river Kanzas, and at six hundred from the mouth of the Missouri, on the right bank, is the rivierre Platte, or Shallow river, remarkable for quicksands and bad navigation; and near its confluence with the Missouri dwells the Octolactos, commonly called Otos, consisting of about two hundred warriors, among whom are twenty-five or thirty of the Missouri nation, who took refuge among them about twenty-five years ago.

An hundred miles up the river Platte are the nation of the Panis, composed of about seven hundred warriors in four neighbouring villages; they hunt but little, and are ill provided with fire arms: they often make war on the Spaniards in the neighbourhood of Santa Fe, from which they are not far distant.

Nine hundred miles from the Missisippi, and three hundred from the river Platte, on the same bank, are situated the villages of the Mahas. They consisted, in 1799, of five hundred warriors, but are said to have been lately almost extinguished by the small pox.

An hundred and fifty miles above the Mahas, and on the left bank of the Missouri, dwell the Poncas, with two hundred and fifty warriors, possessing in common with the Mahas, their language, ferocity and vices. Their trade has never been of much value, and those engaged in it are exposed to pillage and ill treatment.

Thirteen hundred miles from the Missisippi, and on the right bank of the Missouri, dwell the Aricaras, who have seven hundred warriors; and an hundred and eighty miles above them the Mandane nation, consisting of about seven hundred warriors. The two last are well disposed to the whites, but have been the victims of the Sioux, or Nandowessies, who being themselves well provided with fire arms, have taken advantage of the defenceless situation of the others, and have, on all occasions, murdered them without mercy.

No accurate discoveries on the Missouri, beyond the Mandane nation, have been made, though the traders say that many large navigable rivers discharge their waters into it far above, and that there are many numerous nations settled on them.

The Sioux, or Nandowessies, who frequent the country between the north bank of the Missouri and Missisippi, are great impediments to trade. They endeavour to prevent all communication with the nations dwelling high up the Missouri, to deprive them of ammunition and arms, and thus keep them subservient to themselves. In the winter they are chiefly on the banks of the Missouri, and massacre all who fall into their hands.

Of the tribes at a distance from the banks of the Missouri, to the north and south, little information has been received. Returning to the Missisippi, and ascending it about two hundred and twenty-five miles above the mouth of the Missouri, the river Moingona, or rivierre de Moine, enters the Missisippi on the west side, and on it are situated the Ayoas, a nation originally from the Missouri, speaking the language of the Otachatas: it consisted of two hundred warriors before the small pox lately raged among them.

The Sacs and Renards dwell on the Missisippi, about nine hundred miles above St. Louis, and frequently trade with it; they live together, and consisted of five hundred warriors; their chief trade is with Michilimakinac, and they have always been peaceable and friendly.

The other tribes on the Missisippi higher up, are but little known to us. Those of the Missouri, though cruel, treacherous, and insolent, may doubtless be kept in order by the United States, if proper regulations are adopted with respect to them.

No treaties have been made by Spain with the Indians westward of the Missisippi, and its treaties with the Creeks, Choctaws, &c. are superseded by the American treaty with that power of the 27th October, 1795.

The lands are held in some cases by grants from the crown, but mostly from the colonial government. Perhaps not a quarter of the whole are held by complete titles; and much of the remainder depends on a written permission of a commandant. A great proportion is held by occupancy with a mere verbal permission of the officer last mentioned. This practice has always been countenanced by the Spanish government, that poor men, when a little at ease, might, at their own convenience, apply for complete titles; meanwhile such imperfect rights were suffered by the government to descend by inheritance, and even to be transferred by contract. When requisite, they have been seized by judicial authority, and sold for the payment of debts.

Till within a few years, the governor of Upper Louisiana was authorised to make surveys of any extent. In the exercise of this discretionary power, some abuses were committed: a few small monopolies were created. About three years ago, he was restricted in this privilege, and only authorised to make surveys to emigrants in the following manner: two hundred acres for each man and wife, fifty acres for each child, and twenty acres for each slave. Hence the quantity of land allowed to settlers depended on the number in each family; and they only paid the expense of survey. These surveys were necessary to entitle the settlers to grants; and the governor, and after him the intendant at New Orleans, was alone authorised to execute grants on the receipt of the surveys from the settlers. The land office is at present under the care of the intendant of the province.

There are no feudal rights nor nobility.

All the lands on both sides of the Missisippi, from the distance of fifty miles below New Orleans to Baton Rouge, are granted to the depth of forty acres, or near a mile and an half, which is the usual depth of all grants. Some have double and triple grants; that is to say, they have twice or thrice forty acres in depth; and others have grants extending from the Missisippi to the sea or the lakes behind them. In other parts of the country the people, generally settling near creeks or rivers, have a front of from six to forty acres, and almost invariably a depth of forty acres. All the lands ungranted in the island of New Orleans or on the opposite bank of the Missisippi, are sunken, inundated, and, at present, unfit for cultivation; but may in part be reclaimed at a future day by efforts of the rich and enterprising.

Sugar may be grown between the river Iberville and the city, on both sides of the river, and as far back as the swamps. Below the city, however, the lands decline so rapidly that beyond fifteen miles the soil is not well adapted to it. Above the Iberville the cane would be affected by the cold, and its produce would, therefore, be uncertain. Within these limits the best planters admit that one quarter of the cultivated lands of any considerable plantation may be planted in cane, one quarter left in pasture, and the remaining half employed for provisions, &c. and a reserve for a change of crops. One English

acre may be expected to produce, on an average, sixteen hundred weight of sugar, and sixty-six gallons of rum.

If both sides of the river be planted for ninety miles in length and about three fourths of a mile in depth, the annual product may amount to twenty-five thousand hogsheads of sugar and twelve thousand puncheons of rum. Enterprising young planters say that one third, or even one half of the arable land might be planted with cane. A regular supply of provisions from above, at a moderate price would enable the planter to give a greater portion of his land to cane. The whole of these lands, as may be supposed, are granted; but in the Atacapas country, there is undoubtedly a portion lying on the sea coast, fit for the culture of the sugar cane; there vacant land is to be found, but the proportion is at present unknown.

The lands at Terre aux Bœufs, on the Fourche, bayou St Jean and other inlets of the Missisippi, are south of the latitude supposed to divide those which are fit, from those which are unfit for the cultivation of the cane. Including these and taking one third instead of one fourth of the lands fit for sugar, the produce of the whole would be fifty thousand hogsheads of sugar.

The following quantities of sugar, brown, clayed and refined, have been imported into the United States, from Louisiana and the Floridas:

In 1799 - - - - - -	773,542 *lbs.*
1800 - - - - - -	1,560,865
1801 - - - - - -	967,619
1802 - - - - - -	1,576,933

When the country was first ceded to Spain, she preserved many of the French regulations, but by almost imperceptible degrees they have disappeared, and at present the province is governed entirely by the laws of Spain, and the ordinances formed expressly for the colony.

The governor has civil and military jurisdiction throughout the province. The lieutenant governor has the same in civil cases only.

Two alcades have jurisdiction, civil and criminal, over the city of New Orleans and fifteen miles around it. Parties that have *faero militar* or military privilege, can appeal to the governor.

The intendant has cognizance of maritime and fiscal causes, and suits for the recovery of money due by or to the king.

The alcade provincial has cognizance of criminal offences committed in the country, or when the criminal takes refuge there, and in some other cases.

The ecclesiastical tribunal decides in all matters respecting the church.

The governor, lieutenant governor, alcades, intendant, provincial Alcade, and the provisor in ecclesiastical causes, are, respectively, sole judges. All sentences affecting the life of the culprit, except those of the alcade provincial, must be ratified by the superior tribunal, or captain general, according to the nature of the cause. The governor

cannot pardon criminals. An auditor and an assessor, who are doctors of law, are appointed to give counsel to those judges; but for some time there has been no assessor. If the judges do not consult those officers, or reject their opinions, they make themselves responsible for their decisions.

The commandants of districts have judicial power in all pecuniary causes not exceeding the value of one hundred dollars. When the suit is for a larger sum, they commence the process, collect the proofs and remit the whole to the governor, to be decided by the proper tribunal. They can inflict no corporal punishment except on slaves; but they can arrest and imprison when they think it necessary; advice of which and their reasons must be transmitted to the governor.

Small suits are determined in a summary way, by hearing both parties *viva voce*; but in suits of greater magnitude the proceedings are carried on by petition and reply, replication and rejoinder reiterated, till the auditor thinks they have nothing new to say. Then all the proofs are taken before the keeper of the records of the court, who is always a notary public.

The parties have now an opportunity of making their remarks on the evidence by way of petition, and of bringing forward adverse testimony. When the auditor is satisfied, he issues his decree, which receives its binding force from the governor's signature, where the cause depends before him.

There is an appeal to Havanna, to be made within five days after the date of the decree, in causes above a certain value. An ulterior appeal lies to the audience, formerly at St. Domingo, but now removed to some part of Cuba, and thence to the council of the Indies in Spain.

Suits are of various duration. In pecuniary matters the laws encourage summary proceedings. An execution may be had on a bond in four days, and in the same time on a note of hand after the party acknowledges it, or after his signature is proved. Moveable property is sold after nine days warning, and having it three times publicly cried in that interval. Landed property must be likewise cried three times, with an interval of nine days between each, and may then be sold. All property taken in execution must be appraised and sold for at least half of the appraisement. In pecuniary matters the governor decides verbally without appeal, when the sum does not exceed one hundred dollars. The alcades do the same when the amount is not above twenty dollars.

In 1799 there were established four alcades de barrio, or petty magistrates, one for each quarter of the city, with a view to improve its police. They adjust all demands not exceeding ten dollars, commit to prison, and in case of robbery, riot or assassination they can, by calling in a notary, take cognizance of the affair; but then they are bound to remit the proceedings to some other judge, and in all cases to inform them when they have committed any person to prison.

Most suits are on personal contracts, rights to dower, inheritances, and titles to land. Those arising from personal quarrels are generally decided in a summary way. The inhabitants are not litigious.

There are not more than three or four attornies: their fees are small. Suits are carried on in writings or *escritos*, which may be drawn up by the parties themselves, but must be presented by the *escribano* or notary who is the keeper of the records of the court.

The judges take twenty-five cents for a half signature or flourish, which is usual on common occasions; fifty cents for a whole signature, and two dollars and three-fourths for an attendance, as at a sale or the taking of evidence.

The Abogado, or person consulted by the judges on law points, receives twelve and a half cents for every leaf of which the process consists, and four dollars for every point of law cited. The attorney, when employed, has sixty-two and a half cents for a simple petition or *escrito*, but if it be necessary to read a process in order to form his petition, which requires much time and labour, he is paid in proportion, besides twelve and a half cents per leaf for what he reads. For attendance on any business he is allowed one dollar and fifty cents for the *assistance* of two and an half hours. The notary has fifty cents for each decree of the judge, twenty-five cents for a notification in his office, and fifty cents for one out of it but within the city; one dollar and seven-eighths for every attendance of two and a half hours on business, and twenty-five cents additional for every leaf of paper written by him.

A counsellor or two have sometimes resided at New Orleans, but being generally obnoxious to the officers of government, they have not continued there. The counsellor taxes his own services, and in general exacts large sums. The attorney general receives from the party who employs him, more than is allowed by law.

In petty crimes, the cognizance of the proper court is without appeal; and most commonly such causes are decided in a summary way. With respect to crimes of deeper dye more solemnity is used. A person skilled in the laws is always named by the court to defend the accused. The trial is private but examinations and depositions in writing are taken privately by the auditor at the time most convenient to himself, at which nevertheless the counsel of the accused may be present. The accused has also every kind of indulgence in making his defence. Suits are generally tedious and expensive when the culprit is wealthy. The condemned may appeal, as in civil cases, giving security for the payment of the future costs. A capital sentence must be confirmed by a grand tribunal established at St. Jago de Cuba, consisting of five judges, before whom counsellors plead as in our courts.

Great crimes are rare. Murder, by stabbing, seems to be confined to the Spanish soldiers and sailors. The terror of the magistrate restrains assaults, batteries and riots.

Punishments are generally mild, consisting mostly of imprisonment and payment of costs; sometimes the stocks. White men, not

military, are rarely, if ever, degraded by whipping; and no fines go into the public treasury. Murder, arson, and aggravated robbery of the king's effects, are punished with death. Robbery of private persons to any amount is punished only by restitution, imprisonment, and sometimes by enormous costs. Crimes against the king's revenue, such as contraband trade, are punished with hard labour for life, or for years on board the gallies, in the mines, or on the public works.

There are no colleges and only one public school, which is at New Orleans. The tutors in this are paid by the king. They teach the Spanish language only. There are a few private schools for children. Not more than half of the inhabitants are able to read and write, of whom not more than two hundred are able to do these well. In general they learn nothing beyond those two arts; though they seem to be endowed with good natural genius, and an uncommon facility of learning whatever they undertake.

The clergy consists of a bishop, who does not reside in the province, and whose salary of four thousand dollars is drawn from certain bishopricks in Mexico and Cuba; two canons with each a salary of six hundred dollars, and twenty-five curates, five for New Orleans, and twenty for as many country parishes, who receive each from three hundred and sixty to four hundred and eighty dollars a year. Those salaries, except that of the bishop, together with an allowance for sacristans and chapel expenses, are paid by the public treasury and amount annually to thirteen thousand dollars.

There is also a convent of Ursalines to which is attached about a thousand acres of land, rented out in three farms. It has ten or twelve nuns, of whom all are French. Formerly about the same number of Spanish ladies belonged to the convent, but they retired to Havanna when it was expected that the province would return to France. The nuns receive young ladies as boarders and instruct them in reading, writing, and needle work.

They have always acted with great propriety, and are generally respected and beloved. With an annual allowance of six hundred dollars from the treasury, they always support and educate twelve female orphans.

The executive officers appointed by the governor for each district and called *commandants*, are generally taken from the army or militia. When the settlement is small, some respectable member of it has the civil command, and the militia officer has the direction of military matters. Where there is a garrison, the commandant is deputy to the intendant, and draws on him for all expenses. In that case he has the charge of all matters relating to the revenue within his district.

The commandants superintend the police, preserve the peace of the district, examine the passports of travellers and suffer no strangers to settle within their limits without regular leave obtained from government. They prevent smuggling, certify that all lands petitioned for are vacant before they are granted, and, when required, put the

owner in possession. They are besides notaries public, and in their offices are registered all sales of lands and slaves. The contracts for those purposes are made before them. As sheriffs they levy executions on property, attend and certify the sale, and collect the proceeds. They also take inventories of the property of intestates. Syndics are established every nine miles who are subordinate to the commandant, decide small causes, and have the police of roads, levies, travellers and negroes.

The officers of the general government are the following. Beside his judicial power the governor is chief of the army and militia, and head of the civil government. He is also president of the Cabildo, or provincial council. He appoints and removes at pleasure the commandants of districts. He appoints the officers of the militia, who are nevertheless commissioned by the king, and he recommends military officers for preferment. He is superintendant of Indian affairs. He promulgates ordinances for the good government of the province, but he cannot assess taxes on the inhabitants without their consent. Till the year 1798 he possessed the sole power of granting lands, but it then passed into the hands of the intendant.

The cabildo is an hereditary council of twelve, chosen originally from the most wealthy and respectable families. The governor presides at their meetings. Their office is very honourable, but it is acquired by purchase. They have a right to represent, and even remonstrate to the governor, with respect to the interior government of the province. The police of the city is under their control. In it they regulate the admission of physicians and surgeons to practise. Two members of the cabildo serve by turn monthly, and take on themselves the immediate superintendence of markets, bakers, streets, bridges, and the general police of the city. This council distributes among its members several important offices, such as alguazil mayor, or high sheriff, alcade provincial, procureur general, &c. The last mentioned is a very important charge. The person who holds it is not merely the king's attorney, but an officer peculiar to the civil law. He does not always prosecute, but after conviction he points out the punishment annexed by law to the crime, and which may be, and is mitigated by the court. Like the chancellor in the English system, he is the curator and protector of orphans and maniacs, and finally he is the expounder of the law, the defender of the privileges belonging to the town, province or colony, and the accuser of every public officer that infringes them.

The intendant is head of the departments of finance and commerce, and exercises the judicial powers already mentioned. He is entirely independent of the governor, and no public monies can be issued without his express order. The land office is under his direction.

The contador, treasurer, and interventor, are officers subordinate to the intendant. The first has four clerks under him, and keeps all accounts respecting the receipt and expenditure of the revenue, and is therefore a check on the intendant. The treasurer is no more than

a cashier, and is allowed one clerk. The interventor superintends all public purchases, and bargains. The administrador is also subordinate to the intendant, and with a number of inferior officers, manages the custom house. Every clerk in these offices receives his commission from the king.

The auditor is the king's council, who is to furnish the governor with legal advice in all cases of judicial proceedings, whether civil or military.

The assessor's functions are similar to those of the auditor, and are properly applicable to the intendant's department.

Both of them are also counsellors of some of the other tribunals.

A secretary of the government and another of the intendancy.

A surveyor general.

A harbor master.

A store-keeper, who takes charge of all public moveable property.

An interpreter of the French and Spanish languages, and many other inferior officers.

All appointments with a salary of more than thirty dollars a month, are made by the king, and most of those with a lower salary by the governor or intendant as belong to their respective departments. There are no officers chosen by the people.

The following are the salaries and perquisites of the principal officers.

Governor annually,	6,000 p. salary	2,000 p. perquisites.
Intendant,	4,000	none.
Auditor,	2,000	2,000
Contador,	2,000	none.
Assessor,	1,200	1,000
Treasurer,	1,200	none.
Administrador,	1,200	none.
Secretary of government	600	2,000

The district commandants receive each an hundred dollars from the king annually, unless they are posssesed of a military employment or pension.

Instead of local taxes, each inhabitant is bound to make and repair roads, bridges, and embankments through his own land.

A duty of six per cent on the transfer of shipping is assessed upon the sum the buyer and seller declare to be the real consideration. No oath is required from either, and they seldom report more than half the price.

Two per cent on legacies and inheritances, coming from collaterals and exceeding two thousand dollars.

Four per cent on legacies, given to persons who are not akin to the testator.

Civil employments, the salaries of which exceed three hundred dollars annually, pay half of the first year's salary. Certain officers pay it in two annual instalments, and others in four. The first person appointed to a newly created office pays nothing, but the tax is levied on all who succeed him.

Seven dollars are deducted from twenty paid as pilotage by every vessel entering or leaving the Missisippi; but the treasury provides the boats, and pays the salary of the pilots and sailors employed at the Balize. The remainder is thus distributed: To the head pilot four—to the pilot who is in the vessel four, and five to the crew of the row boat, that goes out to put the pilot on board, or take him ashore.

Forty dollars per annum on licences to sell liquors.

A tax on certain places when sold, such as those of regidor, notary, attorney, &c.

But the principal tax is that of six per cent levied on all imports and exports, according to a low tariff. The proceeds of which nett about one hundred and twenty thousand dollars, while all the other taxes are said not to yield more than five or six thousand dollars annually.

The expenses of the present government comprehend the pay and support of the regiment of Louisiana, part of a battalion of the regiment of Mexico, a company of dragoons, and one of artillery, which form the garrison of the country, including Mobille; the repairs of public buildings and fortifications; the maintenance of a few gallies to convey troops and stores throughout the province; Indian presents and salaries of officers, clergy, and persons employed for public purposes, and amount to about six hundred and fifty thousand dollars. A sum in specie, not generally exceeding four hundred thousand dollars, is annually sent from Vera Cruz; but this, together with the duties and taxes collected in the province, leaves usually a deficiency of one hundred or one hundred and fifty thousand dollars, for which certificates are issued to the persons who may have furnished supplies, or to officers and workmen for their salaries. Hence a debt has accumulated, which it is said, amounts at present to about four hundred and fifty thousand dollars. It bears no interest. It is now depreciated thirty per cent, not from want of confidence in the ultimate payment of the certificates, but from the uncertainty of the time when, and the want and general value of specie. The whole debt is said to be due to the inhabitants, and to American residents. It would have been long since paid off, but for a diversion of the funds, destined for that purpose, to different and foreign objects.

The products of Louisiana are sugar, cotton, indigo, rice, furs, and peltry, lumber, tar, pitch, lead, flour, horses and cattle. Hands only are wanting to multiply them to an astonishing degree. The soil is fertile, the climate salubrious, and the means of communication between most parts of the province certain, and by water.

The following is a sketch of the present exports of Louisiana:

20,000 bales of cotton of 3 cwt. each, at twenty cents per lb.	$1,344,000	increasing.
45,000 casks of sugar, 10 cwt. each, at six cents per lb.	802,400	ditto.
800 do. molasses, 100 gallons each,	32,000	ditto.

Indigo,	100,000	diminishing rapidly
Peltry,	200,000	
Lumber,	80,000	
Lead, corn, horses and cattle, uncertain,		
All other articles,	100,000	
	$2,158,000	

There were imported into our territory from Louisiana and the Floridas, merchandise to the following value:

In 1799 to the value of	$507,132
1800	904,322
1801	956,635
1802	1,006,214

The total exports amount to 2,158,000 dollars, the imports, in merchandise, plantation utensils, slaves, &c. to two and an half millions, the difference being made up by the money introduced by the government, to pay the expenses of governing and protecting the colony.

Exports from the United States to Louisiana and the Floridas:

In 1799 to the value of	$3,056,268	in foreign articles.
	447,824	in domestic do.
	$3,504,092	
In 1800,	1,795,127	in foreign articles.
	240,662	in domestic do.
	$2,035,789	
In 1801,	1,770,794	in foreign articles.
	137,204	in domestic do.
	$1,907,998	
In 1802,	1,054,600	in foreign articles.
	170,110	in domestic do.
	$1,224,710	

If the total imports and exports in these provinces, of which the two Floridas form a very unimportant part, be as above stated, namely;

Imports,	$2,500,000
Exports,	2,158,000
Making together,	$4,658,000

The duty of six per cent alone ought to produce two hundred seventy-nine thousand four hundred and eighty dollars. The difference between that sum and the actual nett produce, arises partly from the low tariff adopted, but principally from smuggling, which is openly countenanced by most of the revenue officers.

There are few domestic manufactures. The Acadians manufacture a little cotton into quilts and cottonades; and in the remote parts of the province, the poorer planters spin and weave some negro clothes of cotton and wool mixed. There is one machine for spinning cotton in the parish of Iberville, and another in the Opelousas; but they do little or nothing. In the city, besides the trades absolutely necessary, there is a considerable manufacture of cordage, and some small ones of shot and hair-powder. In and about the town, there are twelve distilleries for making taffia, which are said to distil annually a very considerable quantity; and one sugar refinery, said to make about two hundred thousand pounds of loaf sugar.

In the year 1802, entered the Missisippi two hundred and sixty-eight vessels, eighteen being public armed vessels, and the remainder merchantmen, as follows;

	American.	*Spanish.*	*French.*
Ships,	48	14	
Brigs,	63	17	1
Polacres,	—	4	
Schooners,	50	61	
Sloops,	9	1	
Total,	170	97	1

Of American vessels, twenty-three ships, twenty-five brigs, nineteen schooners, and five sloops came in ballast, the remainder were wholly, or in part laden.

Five Spanish ships and seven schooners came in ballast, the tonnage of all the shipping that entered the river, exclusive of public armed vessels, was thirty-three thousand seven hundred twenty-five, register tons.

In the same year sailed from the Missisippi, two hundred and sixty-five vessels.

	American.		*Tons.*	*Spanish.*		*Tons.*
Ships	40	of which 1 in ballast,	8,972	18		3,714
Brigs,	58		7,546	22	one in ballast	1,944
Sch'rs,	52		4,346	58		3,747
Sloops,	8		519	3	one in ballast	108
Polacres,	–		—	3	one in ballast	240
	158		21,383	104		9,753

	French.	*Tons.*		*Total.*	*Tons.*
Sch'rs,	3	105	Americans	158	21,383
	—	—	Spanish	104	9,753
			French	3	105
			Total,	265 sail.	tons. 31,241

The tonnage of vessels which went away in ballast, and of the public armed ships are not included; the latter carried away at least a thousand tons of masts, yards, spars, pitch, tar, &c.

In the first six months of the year 1803, there entered the Missisippi, one hundred and seventy-three sail, of all nations, four of which were public armed vessels, two French and two Spanish, whose tonnage is not enumerated.

	American.	*Tons.*	*Spanish.*	*Tons.*	*French.*	*Tons.*
Ships,	23	5,396	14	3,080	5	1,002
Brigs,	44	5,701	20	2,173	8	878
Polacres,	–	–	3	480	2	436
Sch'rs,	22	1,899	18	1,187	7	488
Sloops,	4	278	3	167		
Total,	93	13,264	58	7,087	22	2,804

	Total of Ships.	*Total of Tons.*
American,	93	13,264
Spanish,	58	7,087
French,	22	2,804
Grand total,	173	23,155 tons.

In the same six months there sailed from the Missisippi, one hundred and fifty-six vessels;

	American.	*Spanish.*	*French.*
Ships,	21	18	2
Brigs,	28	31	1
Polacres,	—	4	–
Schooners,	17	26	5
Sloops,	2	1	–
	68	80	8

There is a considerable coasting trade from Pensacola, Mobille, and the creeks and rivers near, and falling into lake Pontchartrain, from whence New Orleans is principally supplied with ship timber, charcoal, lime, pitch and tar, and partly with cattle, and the places before named are supplied with foreign produce in the same way from Orleans. The vessels employed are sloops and schooners,

some of which are half-decked, from eight to fifty tons: Five hundred of these, including their repeated voyages, and thirteen gallies and gun-boats entered the Bayou St. Jean last year. There is likewise a small coasting trade between the Atacapas and Opelousas, and New Orleans, by way of the Balize, which would much increase, if there was any encouragement given by government, to clear away a few obstructions, chiefly caused by fallen timber, in the small rivers and creeks leading to them.

No. I.

CENSUS OF LOUISIANA.

IN 1785.

DISTRICTS.	*Whites*	*Free people of color.*	*Slaves.*	*Total.*
Balize to the city,	387	67	1,664	2,118
New Orleans,	2,826	563	1,63	5,028
St. Bernardo,	584	2	—	586
Bayou St. Jean,	91	14	573	678
Costa de Chapitoulas,	1,128	263	5,645	7,036
First German coast,	561	69	1,273	1,903
Second ditto,	714	5	581	1,300
Catahanose,	912	18	402	1,332
Fourche,	333	—	273	606
Valenzuela,	306	—	46	352
Iberville,	451	—	222	673
Galveztown,	237	—	5	242
Baton Rouge and Manchac,	68	2	100	170
Ponte Coupee,	482	4	1,035	1,521
Atacapas and Opelousas,	1,204	22	1,182	2,408
Ouachita,	198	—	9	207
Avoyelles,	149	138	—	287
Rapide,	63	—	25	88
Nachitoches,	404	8	344	756
Arkanzas,	148	31	17	196
Illinois,	1,139	18	434	1,591
Natchez,	1,121	—	438	1,559
Mobille and Tombigbee,	325	31	461	837
Pensacola,	384	28	184	596
	14,215	1,303	16,544	32,062

No. II.

CENSUS OF THE DISTRICTS OR POSTS OF LOUISIANA AND WEST FLORIDA.

NAMES AND SITUATION OF THE POSTS OR DISTRICTS.	*Whites.*	*Free people of color.*	*Slaves.*	*Total.*
Balize to New Orleans,	—	—	—	2,388
San Bernardo or Terre aux bœufs on a creek running from the English turn east to the sea and lake Borgna.	—	—	—	661
New Orleans and suburbs,	3,948	1,335	2,773	8,056
Bayou St. Jean and Chantilly, between the city and lake Pontchartrain.	—	—	—	489
Coast of Chapitoulas, or along the banks of the Missisippi six leagues upwards,	—	—	—	1,444
First German coast, from six to ten leagues upwards on both banks,	688	113	1,620	2,421
Second do. from ten leagues, and ending at sixteen do.	883	21	1,046	1,950
Catahanose, or first Acadian coast, commencing at sixteen leagues above the city, and ending at twenty-three on both banks,	1,382	—	818	2,200
Fouche or second Acadian coast from twenty-three to thirty leagues above town,	677	—	464	1,141
Valenzuela or settlements on the Bason de la Fouche, running from the west side of the Missisippi to the sea, and called in old maps the Fourche or Riviere des Chilimachas,	1,797	—	267	2,064
Iberville parish, commencing at about thirty leagues from Orleans, and ending at the river of the same name,	658	13	386	1,057
Galveztown, situate on the river Iberville, between the Missisippi and lake Maurepas, opposite the mouth of the Amet,	213	8	26	247
Government of Baton Rouge, including all the settlements between the Iberville and the line of demarkation,	958	16	539	1,513

NAMES AND SITUATION OF THE POSTS OR DISTRICTS.	*Whites*	*Free people of color.*	*Slaves.*	*Total.*
Pointe Coupee and False River behind it, fifty leagues from Orleans, on the west side of the Mississippi,	547	—	1,603	2,150
Atacapas, on the rivers Teche and Vermilion, &c. to the west of the Mississippi, and near the sea,	859	58	530	1,447
Opelousas adjoining to, and to the north-east of the foregoing.	1,646	—	808	2,454
Ouachita, on the river of the same name or upper part of the Black river, which empties into the river Rouge,	—	—	—	361
Avoyelles, on the Red river, about leagues from the Mississippi,	336	2	94	432
Rapide, on do. about leagues higher up,	584	—	169	753
Natchitoches, on do. about seventy-five leagues from the Mississippi,	785	—	846	1,631
Concord, an infant settlement on the banks of the Mississippi, opposite Natchez,	numbers unknown.	—	—	—
Arkansas, on the river of the same name, about twelve leagues from its mouth,	335	5	48	388
Spanish Illinois or Upper Louisiana, from la Petite Prairie, near New Madrid, to the Missouri, inclusive, as per detail No. 2.	4,948	197	883	6,028
Mobille and country between it and Orleans, and borders of lake Pontchartrain,	—	—	—	800
Pensacola, exclusive of the garrison (not exceeding)	—	—	—	300
	21,244	1,768	12,920	42,375

This census is taxen from the latest returns, but is incorrect, the population being underrated; from some places there have been no returns for the last seven years, and from those made this year many causes induced the inhabitants to give in short returns of their slaves and of their own numbers. The Spanish government is fully persuaded that the population at present considerably exceeds fifty thousand souls.

No. III.

STATEMENT OF THE POPULATION

Of the Settlements of UPPER LOUISIANA, *with the Births, Marriages, Deaths, Stock, and Productions of the*

YEAR 1799.

Names of the Settlements.	*Whites.*	*Free Mulattoes*	*Free Negr's.*	*Slaves.*	*Total.*	*Marriages*	*Births.*	*Deaths.*	PRODUCTIONS. *Bush. of Wheat.*	*Bush. of Ind Corn.*	*Pounds of Tobacco.*	*Bsh of Salt.*	*Pounds of Lead.*	*Horned Cattle.*	*Horses.*	EXPORTS FOR ORLEANS.
St. Louis,	601	50	6	26	925	9	52	20	4,300	10,300	1,650	—	—	1140	215	
Carondelet,	181	—	-	3	184				3,300	2,760	4,500	—	—	198	45	1,754 packs of Shaved Skins of
St. Charles,	840	—	-	55	895	15	41	11	6,645	12,170	4,65[illegible]	—	—	120[illegible]	24[illegible]	100 lbs. each, valued at $70,160
St. Fernando,	259	—	-	17	276	5	34	7	5,800	2,350	750	—	—	230	57	8 packs Bear Skins, 256
Marias des Liards,	337	—		4	379				1,019	1,604	6,800	—	—	629	153	18 do. Buffalo Robes, - 540
Maramee,	115	—	-	—	115	-	—	-	200	6,370	3,150	—	—	229	12[illegible]	36,000 lbs. Lead, . - 2,160
St. Andrews,	361	5	27	—	393	-	—	-	730	16,950	5,465	—	—	574	122	2,000 lbs. Flour, - - 60
St. Genevieve,	636	1	2	310	949	5	64	14	16,400	21,450	1,999	965	150,000	1253	268	
New Bourbon,	445	—	1	114	560				1,680	14,300	300	—	20,000	595	83	$73,176
Cape Girardeau,	416	105		—	521	-	—	-	510	16,200	——	—	—	707	200	
New Madrid,	711	—	-	71	782	-	—	-	47,765	——	——	—	—	1188	243	
Little Meadow,	46	—	-	3	49	-	—	-	——	2,675	——	—	—	35	—	
	4948	161	36	883	6028	34	191	52	88,349	107129	28,667	965	170,000	7980	1752	

Notes to the preceding Table.

All the fine furs are shipped to Canada, as well as a great quantity of deer and bear skins, where they bring a better price than in New Orleans; and this being a contraband trade, no notice is taken of it in the above account of exports, which is the official one.

St. Louis is situated on the Mississippi, five leagues below the mouth of the Missouri.

Carondelet is two leagues below St. Louis, on the Mississippi.

St. Charles is on the Missouri, about seven leagues from its mouth, and about six from St. Louis by land.

St. Fernando, or Harissaret, is three to four leagues from St. Louis, in a valley, on one of the roads from St. Louis to St. Charles.

Marias des Liards is four leagues from St. Louis, and about a league to the west of the foregoing.

Maramee is on the river of the same name.

St. Andrews is situated about five leagues above St. Charles, on the Missouri.

St. Genevieve is opposite Kaskaskias, and on the banks of the Missisippi.

New Bourbon is about a league below St. Genevieve.

New Madrid is on the Missisippi, fifteen leagues below the mouth of Ohio.

Little Meadow is seven leagues below New Madrid, on the banks of the river.

No. IV.

CENSUS OF THE CITY OF NEW-ORLEANS.

Date.	*Quarters.*	*Whites.*	*Free people of Color.*	*Slaves.*	*Total.*
1803.	First Quarter,	745	203	546	1,494
	Second ditto,	891	—	951	1,842
	Third ditto,	722	787	579	2,088
	Fourth ditto,	440	219	225	884
	Suburb of St. Charles,	70	—	170	240
	Do. of St. Louis,	380	126	302	808
		3,248	1,335	2,773	7,356
	Whole persons not domiciliated,	700	—	—	700
		3,948			8,056

Exclusive of Seamen and the Garrison.

This Census appears to be incorrect, as by some unaccountable mistake, the number of free people of color in the second quarter, are not included; and on the whole the population is thought to be underrated,

No. V.

	Whites.	*Blacks.*	*Militia.*
1. The Island of New Orleans, with the opposite margin and settlements adjacent, computed at	25,000	25,000	5,000
2. The West margin from Manchac, including Pointe Coupe, and extending to the Red river,	4,000	5,000	800
3. Atacapas, along the sea coast between the Delta of the Mississippi and the Western boundary,	1,600	2,000	350
4. Opelousas, on the North of Atacapas,	3,750	3,500	750
5. Red river, including Bayou Bœuf, Avoyelle, Rapide, and Nachitoches, (the two first bounding on Apelousas,	5,000	3,000	1,000
6. Ouchita (river falling into the Red river from the North),	1,200	100	300
7. Concord, a settlement on the margin of the river opposite to Natchez,	200	70	40
8. Arkansa river,	600		150
9. New Madrid and vicinity,	1,750	50	350
10. Illinois and Missouri,	4,000	500	1,000
	47,150	39,220	9,740
The settlements of Baton Rouge and New Feliciana, on the east side of the river, lying between lat. 31° and the Iberville, including some establishments on the river Amit, contain,	3,000	600	600
	50,150	39,820	10,340

REVIEW OF LITERATURE.

CATALOGUE

OF

BRITISH PUBLICATIONS,

FOR 1808.

NATURAL PHILOSOPHY.

A DICTIONARY of Practical and Theoretical Chemistry with its application to the Arts and Sciences, by W. Nicholson.

A New System of Chemical Philosophy, by J. Dalton, part 1.

Popular Lectures, in Experimental Philosophy, Astronomy and Chemistry, by George Gregory, D. D.

A Familiar Treatise on perspective, by W. Daniel.

NATURAL HISTORY.

Examination of the Mineralized remains of Plants and Animals of the Antediluvian World, by J. Parkinson.

Catalogue of Plants, growing near Berwick upon Tweed, by J. V. Thompson, Esq.

The Wonders of the Horse, Anecdotes and Poetry, by J. Taylor.

Anecdotes of Birds, collected from the best authors.

Elements of Geognosy, being part II. of a System of Mineralogy, by Robert Jameson of Edinburgh.

Anthropologia, Dissertations on the Form and Colour of Man, by Tho. Jarrold, M. D.

Natural History of British Fishes, by E. Donavan, T. L. S.

Practical Botany, being a new Illustration of the Genera of Plants, by R. J. Thornton, M. D.

Index Plantarium, or an Alphabetical Arrangement of all the Genera and Species of Plants hitherto described, by W. B. Coyt, M. D. F. L. S.

New Observations on the Natural History of the Bee, by Huber.

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A New System of Nosolagy, by W. Cullen.

A System of Anatomy and Physiology.

Plates of the Human Arteries, coloured.

On the transmission of Venerial Infection in Pregnant Women, New Born Infants and Nurses, by Jesse Foot, Surgeon.

On the Operation of Lithotomy, by Robert Allen, Surgeon.

Modern Medicine, or the Recent Discoveries and Doctrines in that Science, by D. Uwins, M. D.

A Practical Dictionary of Domestic Medicine, by R. Reece, M. D.

On the Egyptian Ophthalmea and Opth. Purulenta, by W. Thomas.

Cases of Consumptions, Diabætes, &c. with Remarks on the History and Treatment of the Disease in general, by R. Walt.

Enquiry on the symptoms and treatment of Carditis or Inflammation of the heart, by J. T. Davis, M. D.

Practical Observations on the Nature and Cure of Strictures in the Urethra, by W. Wadd.

Illustrations of Mr. Ware's opinion respecting the Identity of Egyptian Ophthalmea and Gonorhœa.

Observations on an Eruptive Disease occurring, after Vaccination, at Sherborne, Dorset. by R. Perr, M. D.

A Treatise on Scrofula, by James Russel.

A Practical Treatise on Strictures and Diseases of the Prostate Gland, &c. by T. M. Caton.

Remarks on the late Epidemic Purulent Ophthalmy, by James Ware, surgeon, F.R.S.

The Muscular Motions of the Human Body, by John Barclay, M. D.

Bell's Principles of Surgery, third volume.

On Pulmonary Consumption, by James Sanders, M. D.

Medical Reports of Cases and Experiments, with Observations derived chiefly from Hospital Practice, by S. A. Bardsley.

First Lines of the Practice of Surgery, by Sam. Cooper.

On the Anatomy, Pathology and Surgical Treatment of Aneurism, from the Italian of A Scarpa with notes, by J. H. Wishart.

Observations on Lithotomy. by J. Thomson, M. D.

Anatomical and Practical Researches concerning Fever, as connected with Inflammation by Tho. Beddoes, M. D.

On the Inflammatory Diseases of the Mucous Membrane of the Bronchiæ, by Ch. Badham, M. D.

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Theological Thoughts on God, the Creation, Fall and Redemption of Man, by Wm. Smith, M. D. M. M. C.

Illustrations of the Four Gospels founded on circumstances peculiar to our Lord the Evangelist, by J. Jones.

A Vindication of the Nature and Effect of Evangelical Preaching.

Natural Theology, or a Demonstration of the Being and Attributes of God, by W. Enfield.

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Bisset's Magnificent Dictionary of Birmingham.
Archceolagia of Wales, vol. III.
Picture of London, for 1808.

BIOGRAPHY.

Account of the Life and Writings of Bruce of Kennaird, the Abyssinian traveller, by A Murray.
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Examination of the charge of Malone Chalmers and others of Ben Johnson's enmity to Shakespeare, by Octavius Gilchrist.

A New Dictionary of the English Language, by John Pytches, esq. No. I.

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Musæ Seatonianæ, or Cambridge Prize Poems, for Saton's premium, from 1750, to 1806, with three Poems written for the Prize by Bally, Scott and [illegible]rangham.

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Mahomet, an Oxford prize poem, delivered 1808.

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The Shipwreck, a Seatonian prize poem, by C. J. Hoare.

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To the Memory of the Author of the Task, by J. T. S.

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Versification of Ossian's Fingal.

The Battle of Mayda, an epic poem, by colonel R. Scott.

The Gulistan, or Rose Garden, by [illegible]. Gladwin.

The Family Picture, or Domestic Education.

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The Royal Urinead, by Thomas Hague.

Poems by Miss St. Vince.

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The Pastoral, or Lyric Muse of Scotland, by Hector M'Neil.

Exodus, an epic poem, by Charles Hoyle.

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Richmond Hill, by Mr. Maurice.

Juvenile Poems, by T. R. Robinson.

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The Compiler or Literary Banquet.
The Works of Henry M'Kensie, collected by himself.
Essay on the Influence of Light Reading on Moral Conduct and Literary Taste, by Rev. Edward Mangin.
Essays and Tales, Moral, Literary and Philosophical. From the German of Engel. By Thomas Horne.
Works of Dryden, with his Life and Notes, by Walter Scott.

The British press overflows with pamphlets, that is, with productions which require a few hours to write, a few minutes to read, and a few pence to buy. From forty to fifty *sixpenny pieces* of this kind; from thirty to forty *eighteen-penny pieces*, and from twenty to thirty *half-crown* pieces might have been enumerated, if their intrinsic value and dignity would justify us. A catalogue of *pamphlet topics*, however, ought not to be omitted, because these throw considerable light on the actual state of the times.

The military transactions of the year always give birth to an host of pamphlets. If success attend them, they are celebrated in a score or two of odes of epic poems, but if unsuccessful or dubious, the press teems with accusations and defences; and in every case, there are generally, one or more historical narratives, relating to each event professed to be drawn up by officers engaged in the expedition.

The Portuguese expedition is the principal event of this kind which took place this year, and this afforded ample room for censure and vindication. The press accordingly poured forth a great deal of loose matter upon this subject, and some lively details of the events themselves. Some thing has likewise appeared in the shape of a controversy on the true motives and circumstances of the emigration of the Portuguese government to South America.

Much noise and some pamphlet controversy appears to have been excited by a new plan, or rather a newly imported plan of education for the poor, adopted by Dr. Bell and Mr. Lancaster. As these men profess to exclude all religious instruction, connected with the doctrine of particular sects, from the scheme, the apprehension and distrust of the adherents of the established church are naturally excited. The interests of that church, together with the importance of early impressions on the youthful and infantile mind, make them consider a church of England faith as indispensible in every popular scheme of education for the poor.

The controversy excited by the claims of the catholics, was not entirely suspended or extinct in this year, but it seems to have languished since the decision of parliament has taken place.

Vaccination is still a debated matter; its enemies are not entirely silenced, and some perplexing anomalies compel its friends to come forth with new explanations and enquiries. This year, however, has produced nothing particularly new or conclusive on this interesting subject.

Very many brief and fugitive pieces, sometimes anonymous and sometimes sanctioned by military names, have appeared this year, on the organization of the army, and we are still supplied with new projects for national defence against a French invasion, in which there is nothing of sufficient novelty or popularity to attract particular notice.

Among the current events of the day, which have given birth to pamphlets, and sometimes to a polemical string of them, we must mention suicides among eminent or noted persons, and trials for cri-

minal conversation. Of both of these, there has been no scarcity during this year.

Of theological productions in this form, the annual catalogue is always very numerous. Single sermons, catachisms, form of prayer, and some petty controversy connected with the merits or conduct of some popular descenting preacher, selections from the bible, and manuals of use in the religious branch of infantile education form a copious list on the present occasion.

The publications of the preceding year appear to have pretty much exhausted the controversy about neutral rights. The dissenters on this topic, having put forth their whole strength in parliament and print, on this subject ineffectually, were reduced to a silent observance of the influence of time, in fulfiling their predictions and confuting their adversaries.

What we may call the infantile library has had new and copious supplies this year, but nothing of any sterling or lasting value has appeared either in the branch of precept or in that of example.

IF we take a rapid view of the literature of this year, we shall perhaps be surprised at the small addition which has been made to the stock of valuable science or literature. Among three hundred and fifty seperate and somewhat bulky performances, how small is the number which will ever be honored with a second edition, or of which a single copy will be examined, except by antiquarians and catalogue compilers, after the lapse of ten or twenty years?

We must not, however, always pronounce a work to be of little value, because its value is temporary. Many publications even of some bulk, are necessarily adapted to the passing time, and very many merit to be carefully preserved and consulted centuries hence, as contributing essentially to form the picture of the present age, which yet will be suffered to drop into oblivion.

Of works in natural philosophy, we are presented only with two or three compilations, which have their value as being the most recent, but are not otherwise distinguished.

Medicine and Surgery are experimental sciences. Every day by adding to the stock of actual cases and experiments, must augment the mass of valuable knowledge. No less than eight works, among twenty-eight in this department, will lay claim to be examined and consulted on account of the new cases and solid speculations they contain. It is somewhat remarkable that only one translation from a foreign language appears in this catalogue.

Of ten works assignable to the class of natural history, several are of importance, and have made some permanent additions to the materials or improvement in the arrangements of this science. Mr. Huber has given us some new and curious observations on the economy of bees. Mr. Donovan has improved our knowledge of fishes,

and Mr. Thomson has given new distinctness and precision to a local department in botany. Mr. Parkinson has exhibited some striking and important views repecting those species of organized beings which once flourished but are now no more. The labors of Mr. Jameson and Dr. Thornton are likewise entitled to respect.

The ethical and metaphysical catalogue, which was by no means destitute of novelty during the preceding year, is eminently barren this year.

Among forty of the theological kind, it is difficult to find any thing new or solid. No useful controversy seems either to have been started or continued this year. No branch in this great science seems to have undergone fresh enquiries, or received any new lights. Archdeacon Paley has a great name, and we have his sermons, but his merits were not such as to inspire any uncommon expectations with respect to his pulpit discourses. There is, no doubt, a numerous class of religious readers, who will think themselves indebted to the indefatigable Mr. Faber, for his interpretations of prophecy, while many are obliged to account him the most visionary and phantastic of that class of expounders.

Of law publications, we have half a dozen compilers on particular branches of the science, and what is of most value, reports of cases in the two superior tribunals of the nation for the current year.

Agriculture, the most venerable of the arts, receives very large accessions annually, in Great Britain. The sixth volume of communications to the board of agriculture has appeared this year, and contains a great deal of very valuable matter, not only in relation to the art itself, but to the agricultural economy of Great Britain. he labors of Mr. Marshall, the Rev. Arthur Young, and Henry Holland, Esq. are highly estimable in the light, which they reflect, not only the art itself, but the state of England.

he practice so much in vogue, of teaching by book, is exemplified this year by several remarkable instances. Even the culter of Fools-cap and the makers of lady's gowns, are now able to refer to pondrous volumes, for the standard in their respective arts.

he builder and upholsterer are as liberal as customary, of their instructions from the press. The delineators of landscapes and ruins, appear likewise to be busy, and some progress has been made in engraving the Egyptian monuments in the British museum.

In political economy, the fashionable topics for some years, have been the theory of Malthus; the amendment of the poor laws, and the connection between trade and agriculture, with their comparative utility. Some publications have appeared this year on each of the topics, but they are of little value, and the spirit of discussion seems to languish. If these subjects are naturally exhaustible, it is time indeed that the dregs should now make their appearance.

Besides the publications connected with the historical events of the day, of which the annual harvest is always considerable, we have nothing of importance but the posthumous fragment of Charles J. Fox, and the history of the abolition of the slave trade, by Thomas Clark-

son. The former has gratified his enemies and disappointed his admirers, and the latter has exhibited a very curious portrait of his own character, and discussed fully an important subject, with which no one was so well acquainted as himself.

We have another of Carr's tours, as popular and frivolous as his former ones. Several travels in Spain and Portugal, with pictures of their cities, manufactured in consequence of the prevailing demand for Portuguese and Spanish infamation. We have another volume of the progressive and valuable work of the Lisons on the topographical antiquities of England: And these constitute all that is worthy of attention in the *geography* of this year. Formal geographical system continue to multiply

We have some valuable samples of biography, particularly of the former age, Sir Thomas Moore, Sir Philip Sidney, and George Buchanan, have been exhibited anew with various merit. Captain Carleton and Carey, earl of Monmouth, are original or republications. Bruce the traveller, and Klopstock and his wife are modern and contemporary subjects.

Among the authors of new comedies, appear the well known and popular names of Cumberland, Tobin, Colman and Reynolds. Dibdin and Hooke have likewise pursued their trade in farces and comic operas. As to tragedies, we have only *one* thing that bears that name, and nothing that deserves it.

The catalogue of novels and romances is nearly as copious as that of the preceding year; and if the experience of these two last years may be allowed to regulate the average production of the British press, for thirty or forty years together, the first half of the present century will produce about five thousand of these works. The annual produce is about seventy.

In the list now before us, we find several veterans at this trade' The industry and fertility of Madame Genlis appear to have no wise diminished, but rather to have encreased with age. Five works from her pen appear in this catalogue. Madame Cottin, another great proficient, has given us three new works. The whimsical, but entertaining Mr. C. Lewis, has given some volumes, in which there is a rich display of his peculiar merits. We have one new story from Kotzebue, perhaps a posthumous publication. Miss Owenson and Mr. Lathom have published something new, and though their claims to respect be extremely small, they are still much higher than those of R. C. Dallas, who will soon be able to count his novels by the dozen. The Cottagers of Glenburney, form a singular contrast to the rest of the list, and is all that the reasonable reader can allow to find a place on his table, among the seventy-five novels of this year. We look in vain for some precious bequest from the hand of Miss Edgeworth or Mrs. Opie.

Wilkins's grammar of the Sanscript language, and Jameson's etymological dictionary of the Scotish dialect, seem to be the only valuable productions of that class.

Of poetry, the harvest is of course abundant. Many call upon the muses but they harken to few. We receive with delight and avidity, new presents from Walter Scott and Mrs. Opie, with whom every man of taste has made himself long ago acquainted. The other names in this catalogue, are for the most part new, and their works will probably never cross the ocean; few of them, perhaps, the counter behind which they received a typographical birth. Some reliques of Burns have come to light this year, but their title to veneration is small. Cumberland, *without* regret be it spoken, will write no more epic poems. Wolcott, who will not be sorry to say, is probably forever silent. Bloomfield seems resolved for the future, never to ramble *ultra crepidem*, for which though his wife may be pleased, we are very sorry.

The commentaries on Shakespear have received a large addition in the work of Mr. Douce. The Shakespear critics may be divided into two classes, one of which, the chief ornaments of which are Richardson and Johnson, addict themselves to his plots and characters, and banquet on his beauties: The other class of which Malone is the Magnus Apollo, fasten on his words, and feast upon his crudities, his pedantry, his absurd and unintelligible parts. They labor to explain, what, in relation to the poet, it not worth knowing, but which is of consequence to those who want to know the absolete customs and phrases of his age, and the lucrubrations of writers whom their own demerits have condemned to obscurity. Duce's place in this list is scarcely inferior to Malone's.

Of the revival or republication of former authors this year, we know no instances but those of Dryden and Mackensie.

Of periodical literature, critical and miscellaneous, the old channels appear, none of them to have dried up, but we are not aware that any new ones have been opened in Great Britain, during the year eighteen hundred and eight.

CATALOGUE

OF

AMERICAN PUBLICATIONS,

FOR THE YEAR 1808.

LAW.

REPORTS of Cases argued and decided in the Supreme Court of the State of New York, by William Johnson, esq. Published at New York.

Trial of Aaron Burr, before the Circuit Court of the United States, at Richmond, Virginia, May term, 1807. Washington.

A Narrative of the Extraordinary Case of Stockton *v.* Hopkins, with an Appendix containing a detail of evidence, &c. Philadelphia.

Report of the Argument on a motion for an Attachment against Baptist Irvine, editor of the Whig, for a contempt against the court of Oyer and Terminer of Baltimore county, by A. C. Hanson, esq. Baltimore.

An Appeal to Public Justice, or a concise statement of the facts which led to the extraordinary case of Stockton *v.* Hopkins, by T. Hopkins. Philadelphia.

MEDICAL PUBLICATIONS.

A Compendium of the Theory and Practice of Midwifery, with practical conclusions on the management of pregnant women, &c. with engravings, by Samuel Bard, M. D. New York.

Medical Papers, communicated to the Massachusetts Medical Society. No. II. Part II. Boston.

Reports on Vaccination, presented and accepted, at the annual meeting of the Massachusetts Medical Society. Boston.

The Medical Repository of New York; Barton's Medical and

Physical Journal, and Coxe's Medical Museum are the periodical works which continue to flourish.

An Oration delivered before the Medical Society of South Carolina, December 24, 1807, by J. Johnson, M. D. president of that society. Charleston.

MILITARY BOOKS.

The American Military Library; being a repository of all that is necessary to a due knowledge of the principles and practice of modern tactics, from the first elements of discipline, and comprehending the whole of the modern French system of discipline, with engravings, by lieutenant colonel William Duane. Philadelphia.

Military and Political Hints, by colonel Jr. A. de la Croix. digested and translated by Samuel Maclay, late professor of the French language in William's college. Boston.

A Treatise on the Discipline of the Cavalry, teaching the necessary evolutions on a parade, on a march and in the face of an enemy; to which is added the New Sword Exercise of the Cavalry, with engravings. Petersburg, Virginia.

Several numbers of the American Artillerists' Companion, or Elementi of Artillery, by Louis ousard. Philadelphia.

The Military Companion, being a system of company discipline, founded on the rules of baron Steuben. Designed for the use of the militia. Nuburyport.

The Militia Officer's Assistant, containing form of orders, notices, &c. by an officer of the 3d Brigade. Baltimore.

The Drummers' Assistant, containing directions for beating the English and Scots duties, with the calls, &c. by S. Holyoke.

The Military Mentor, a series of letters recently written by a general officer to his son. Salem.

MISCELLANEOUS.

An Ahimon Rezon, for the use of the Grand Lodge of South Carolina, prepared by their authority, by Frederick Dalcha, M. D. Charleston.

A Discourse on the Present State of Education in Maryland, delivered before the General Assembly of the State, December 31, 1807, by Samuel Knox, A. M. principal of the Baltimore college. Baltimore.

Oration on the Abolition of the Slave Trade, delivered in the African church New York, by Peter Williams, a descendant of Africa. New York.

Propagation of Truth, or Tyranny Anatomized. Boston.

Sketches of Man as he is, connected with past and present modes of education. Boston.

Elements of English Grammar, by Adoniram Judson.

Practical Questions on English Grammar, for those who study Murray's Abridgement, with some directions for Parsing, by Tim. Alden, jun. Boston.

Address to the Massachusetts Charitable Fire Society, by Charles Paine esq. Boston.

Three Dissertations on Baylston Prize Questions, for 1806 and 1807, by George Cheyne Shuttock, M. D. Boston.

Memoir of the Northern Kingdom, written A. D. 1872, by the late Rev. W. Jansenykes, L. L. D. and honourable member of the Royal American Board of Literature, in six letters to his son. "Olim mimenisse Juvabit." Now first published. Quebec, A. D. 1801.

A System of Notation, representing the sounds of alphabetical characters by a new application of the accentual marks now in use, with additions, &c. by William Pelham.

The American Magazine of Wit, being a collection of humourous, marvellous, witty, queer anecdotes, &c. many of them original. New-York.

An Essay on Music, pronounced before the Middlesex Musical Society, September 1807, at Dunstable Massachusetts, by John Hubbard, mathematical professor at Dartmouth college.

The Young Ladies' Arithmetic, a complete mercantile system for the use of the young, especially of the fair sex, by Adoniram Judson, junr. Boston.

Admonitory Epistles to the Visitants of Balston, No. I. by Simeon Senex.

Address to the Merrimack Humane Society, at the third anniversary, September 6, 1808, by Michael Hodge, jun. esq.

An Oration on the National Influence of Commerce, delivered to the Phi Beta Kappa Society at Cambridge, on their anniversary, September 1, 1808, by James Richardson. Boston.

An Enquiry into the Chymical Properties of the Species of Coal lately discovered in Rhode Island, with Remarks on its use in the Manufactures of the Eastern States. Boston.

MATHEMATICAL.

A Treatise on Trigonometry and Navigation, containing an explanation of their principles and tables, with a new method of working Trigonometry by memory, by Richard Burroughs. New York.

The Analyst, or Mathematical Museum, a periodical work. Philadelphia.

HISTORY.

An Account of the several Religious Societies, in Portsmouth, New Hampshire, from their first Establishment, and of the Ministers of each, to January 1, 1805, by Tim. Alden, jun. Boston.

Memoirs of Edw. Tyng, esq. of Boston, and of the Honourable William Tyng of Goshen, by Tim. Alden, jun. Boston.

Patriotism and Piety. The Speeches of his Excellency Caleb Strong, to the Legislature of Massachusetts with their Answers and Official Papers of his Excellency, from 1800 to 1807. Newburyport.

An Historical Sketch of the county of Berkshire and town of Pittsfield, written in May, 1808, by Thomas Allen, A. M. pastor at Pittsfield. Boston.

The American Register for 1807, and the first half year of 1808.

The History of Don Francisco de Miranda's attempt to effect a Revolution in South America, in a series of letters, by one of his officers. With sketches of the life of Miranda, and geographical notices of Caraccas. Boston.

The Constitution and Associate Statutes of the Theological Seminary, at Andover, with sketches of its rise and progress. Boston.

Horrors of Slavery, or the American Tars in Tripoli, being an account of the capture and loss of the frigate Philadelphia, treatment and sufferings of the prisoners, and public transactions with that regency; with the expedition of general Eaton, by William Ray, written during nineteen years detention in Barbary.

Secret History, or the Horrors of St. Domingo, in a series of letters, by a lady in Cape François, to colonel Burr. Philadelphia.

DOMESTIC POLITICS.

The Rights of a Government to the services of its Citizens and Subjects, who have emigrated beyond its territorial jurisdiction, examined with respect to recent claims and usages of the British government. Boston.

The question of war with Great Britain examined on moral and christian principles. A Sermon. Boston.

A Letter from the Honourable Timothy Pickering, containing a view of the imminent danger of a ruinous and unnecessary war with Great Britain, addressed to the governor of Massachusetts. Boston.

Letter to the Honourable H. G. Otis, on the present state of our national affairs, with remarks on Mr. Pickering's letter to the governor of Massachusetts, by John Quincy Adams. Boston.

Correspondence between governor Sullivan and colonel Pickering, in which the latter vindicates himself from the groundless charges and insinuations made by the governor and others. Boston.

A Letter to the Honourable J. Q. Adams, occasioned by his letter to the Honourable Mr. Otis, by Alfred.

Federalism Unmasked, or a Vindication of the General Government on the cause of the Embargo and its kindred measures. In reply to Mr. Pickering's letter to the governor of Massachusetts, by a citizen of New York. New York.

Remarks on J. Quincy Adams's Letter to Mr. Otis. Boston.

Thoughts on the conduct of the Administration, relative to Great

Britain and France, and especially to the late negociation respecting the attack on the Chesapeake, by a Friend to Peace. Boston.

Address to the Citizens of Massachusetts, on the causes and remedies of our national distresses, by a Fellow Sufferer. Boston.

Analysis of the late Correspondence between our Administration and Great Britain and France, with an attempt to show the real causes of the failure of the negociations. Boston.

Mr. Giles's Speech in the Senate of the United States, November 24, 1808, on the resolution of Mr. Hillhonse to repeal the Embargo laws.

Mr. Quincy's Speech on the First Resolution reported by the Committee of Foreign Relations.

A View of the Rights and Wrongs, Power and Policy of the United States of America, by Charles Jared Ingersol. Philadelphia.

An Address to the Congress of the United States, on the foreign relations of the state, and on foreign commerce in general. Philadelphia

An Address to the People of New England, by Algernon Sydney. Boston.

Cases and Queries submitted to every citizen of the United States, the administration and congress, as deserving to be impartially considered by them. New York.

A letter to W. C. C. Claiborne, governor of Orleans.

The Honest Politician, part I. and 8 numbers, with the observations of Vindex. Addressed to the President.

Examination of the Constitutionality of the Embargo laws; comprising a view of the arguments on that question, before the honourable John Davis, esq. judge of the district court of Massachusetts, at Salem, by Francis Blake, counsellor at law; with the opinion of the court. Worcester.

A Brief History of the proposed Impeachment of the Governor of Pennsylvania, with his Excellency's Message of January 28, 1808, comprizing a dignified and satisfactory defence. Philadelphia.

A Plain Tale, supported by authentic documents, justifying the conduct and character of general Wilkinson, by a Kentuckian.

THEOLOGY.

A Narrative of the Rise and Progress, with a brief explanation of several subjects: the practice of laying on of hands; the scriptural mode of celebrating the Lord's supper, &c. with remarks on Mr. W. Parkinson's present and past conduct, and observations on a pamphlet, entitled, The New Theological Scheme Detected, by Ebenezer ——, baptist church, also a letter to Mr. William Parkinson, with a dialogue affixed thereto, by John Inglesby. New York.

Twenty-two Sermons on the Prophecies to be accomplished, from the present time, till the new heavens and new earth are created, when the new Jerusalem will come down from Heaven, by Elias Smith.

A discourse on the Nature, proper subjects and benefits of Baptism, with an appendix on the mode of administering that ordinance, by the Rev. S. D. Smith, president of New Jersey college. Philadelphia.

The Christian Monitor, No. 8. Boston.

An Address of the General Association of Connecticut to the Congregational Ministers and Churches of the State, on the importance of united endeavours to revive Gospel Discipline. Litchfield.

The Columbian Preacher, or a Collection of Original Sermons, from preachers of eminence in the United States, embracing the distinguishing docrines of Grace. Catskill.

FUNERAL SERMONS.

Divine Goodness in Afflictions; a discourse delivered, August 9, 1807, Communion day, to the west church, in its widowed state, and also to Mrs. Croker, a member thereof, and her children, on the death of captain I. Croker, by Jotham Walveman, A. B. V. D. M. pastor of the east church, Barnstable. Boston.

The Conquest of the Last Enemy, or a Complete Victory over Death. On the death of Mr. Foxcraft, pastor of the east church, Barnstable, by John Scott, pastor of the first church in Minot. Charlestown.

A Sermon on the same occasion, by Elisha Moseley, successor to Mr. Foxcraft, at New Gloucester.

A Sermon on the Death of Two Only Children of Philip Hayward, Esq. at Woodstock, by Alvan Underwood, pastor at Woodstock. Hartford.

Sermon on the Deaths of Mr. Jon. Thatcher, and Mrs. Mary Ingersol, by Alvan Hyde, pastor at Lee.

A Sermon on the death of the Rev. Sam. West, D. D. pastor at Boston, by John Lathrop, D. D. with a memoir of Dr. West, by the Rev. Thomas Thatcher of Dedham. Boston

A Sermon on the Death of deacon Thomas Thomson, by Samuel Spring, D. D. Newburyport.

A Sermon on the Death of James Sulivan, Esq. governor of Massachusetts, by Jos. S. Buckminster.

A Sermon on the Death of the Rev. Thomas Carey, pastor of Newburyport, by John Andrews.

INSTALLATION SERMONS.

A Sermon delivered at the Installation of the Rev. Silvester Sage, by Hezekiah May, of Marblehead.

A Sermon of the Rev. James Miltimore, at Newbury, by the Rev. Jos. Buckminster, D. D.

A Sermon of the Rev. Josiah Webster, at Hampton, N. H. by Samuel Worcester.

A Sermon of the Rev. Ebenezer Hubbard, at Newbury, by Timothy Flint.

A Sermon of the Rev. John Codeman, at Dorchester, by William Ellory Canning.

SERMONS ON SPECIAL OCCASIONS.

A Sermon on the Fast day, April 7, 1808, delivered at Trinity church, Boston, by I. S. G. Gardener, A. M. rector of Trinity church, Boston.

Ruin or Separation from Antichrist, a Sermon on the same occasion, delivered at Byfield, by the minister, Elijah Parrish, D. D. Newburyport.

A Sermon on the same occasion, delivered at West Springfield, by Joseph Lathrop, D. D. Springfield.

A Sermon delivered at Albany, before the Ladies' Society for the relief of distressed women and children, by the Rev. Fred. Beasley, M. A. Albany.

A Sermon preached before the Female Charitable Society of Newburyport, by Elijah Parrish, D. D. Newburyport.

A Sermon delivered at Boston, before the Convention of Congregational Ministers of Massachusetts, by Dan. Chaplin, A. M.

A Sermon delivered at the opening of the General Assembly of the Presbyterian Church of the U. S. at Philadelphia, by the Rev. Archibald Alexander.

A Sermon delivered by appointment of the Committee of Missions of the General Assembly, by J. B. Romayne, A. M. Philadelphia.

A Sermon preached before the governor, lieutenant governor, and legislature of Massachusetts, on the general election, May 25, 1808, by Thomas Allen, A. M. minister at Pittsfield, Boston.

A Sermon delivered before the government and legislature of New Hampshire, at Concord, by Asa M'Farland, A. M. Pastor at Concord.

The knowlege of Jesus Christ supremely important.

A Sermon on the Greatness of Redemption, by the Rev. Dan. Chaplin, A. M.

A Sermon delivered at Hallowell, before the Maine Missionary Society, by Jon. Scott, V. D. M.

A Sermon preached at the opening of the Theological Institution, at Andover, and at the Ordination of the Rev. Eliphalet Pearson, September 28, 1808, by the Rev. Timothy Dwight, D. D. President of Yale College, Boston.

The universal spread of the Gospel, a Sermon preached at Northampton, before the Hampshire Missionary Society, at their Annual Meeting, with the annual report of the trustees of that society, August 25, 1808, by the Rev. Timothy Coaley, A. M. pastor at Granville, Mass.

A Discourse delivered before the Society for Propagating the Gospel among the Indians in North America, at their anniversary at Boston, by Abiel Holmes, of the church at Cambridge, Boston.

Two Sermons delivered at Albany, on the day recommended as a day of Fasting, Humiliation and Prayer, September 8, 1808, by John B. Romayne, Albany.

A Sermon at Boston, on Thanksgiving day, December 1, 1808, by John Lathrop, D. D. Boston.

A Sermon on the same occasion, by J. S. G. Gardener, A. M. Boston.

A Sermon delivered before the ancient and honorable artillery company, in Boston, on the anniversary of their election, June 6, 1808, by the Rev. Leonard Woods, A. M.

A Sermon preached at the opening of Northampton Bridge, October 27, 1808, by Samuel Willard, minister at Deerfield.

The Messiah of the Scriptures, preached at the Tabernacle, Salem, by Sam. Worcester, A. M.

ORATIONS,

IN CELEBRATION OF THE FOURTH OF JULY:

At West Cambridge, by William Nicholls, Junior, of Westford.

At Roxbury, by N. Ruggles Smith.

At Plymouth, by Zabdiel Sampson, A. M.

At Newburyport, by Ebenezer Mosely, Esq.

At Boston, at the request of the Selectmen, by ——.

At Barre, Worcester county, Mass. by J. B. Caldwell.

At Newburyport, by Nat. Cogswell, Esq.

On board the Sloop William, at Portsmouth, N. H. by John Billings.

At Balton, by Elijah Bigelow, counsellor at law.

At Wiscasset, by Alden Bradford, Esq.

At Dover, New Hampshire, by Moses Hodgedon, Esq.

At Charleston, by Charles Frazer.

At Dedham, by James Richardson.

At Portland, Maine, by William Freeman.

POETRY.

The Nightingale; a selection of Songs, Boston.

The Embargo, or Sketches of the Times, a satire, by a youth of thirteen.

A Selection of Psalms and Hymns, by William Emerson, A. M. congregational pastor at Boston.

The Watery War; a poetical description of the existing controversy between the Baptists and Pado-Baptists.

An Anthem of Ordination selected from the Scriptures and set to music, by Sam. Temple, A. M. Boston.

The Deerfield Collection of Sacred Music, compiled from the best authors, ancient and modern.

DRAMA.

The Trust, a Comedy, in five acts, by Charles Breck, Philadelphia.

Out of Place, a musical farce, by A. B. Lindesley.

Love and Friendship, or Yankee Notions, by the same.

FOREIGN STATE PAPERS.

FOREIGN STATE PAPERS.

NARRATIVE OF THE PRACTICES AND MACHINATIONS WHICH LED TO THE USURPATION OF THE CROWN OF SPAIN, AND THE MEANS ADOPTED BY THE EMPEROR OF THE FRENCH TO CARRY IT INTO EXECUTION.

By Don Pedro Cevallos, First Secretary of State and Dispatches to his Catholic Majesty, Ferdinand VII.

AT a period when the nation has made and continues to make the most heroic efforts to shake off the yoke of slavery attempted to be imposed upon it, it is the duty of all good citizens to contribute, by every means in their power, to enlighten it with respect to the real causes that have brought it into its present situation, and to keep up the noble spirit by which it is animated.

To make known to Spain and the whole world, the base means resorted to by the emperor of the French, to seize the person of our king, Ferdinand VII. and to subjugate this great and generous nation, is a duty well worthy of one who, like myself, is in a condition to discharge it; inasmuch as circumstances placed me in a situation to be an eye-witness of the events which preceded the catastrophe of Bayonne, and in which he bore a part. It was not in my power to do this before, in consequence of personal restraint, and from not having collected the documents necessary to accredit my statement.—Some are still wanting, which it was necessary to burn, in consequence of dangerous circumstances, in which every thing was to be feared; others have disappeared through the various incidents connected with that unhappy period; but those which I now present are

sufficient to prove the atrocious violence committed against our beloved king Ferdinand VII. and the whole nation.

Though the conduct of Spain towards France since the peace of Basle, a very interesting portion of its political history in these latter times, is intimately connected with the important event, which form the subject of this exposition, it is not necessary to dwell even upon its principal periods. It will be sufficient to state what the whole nation, and all Europe knows, that the political system of Spain has constantly been during this time to preserve friendship and the best understanding with France, and to maintain, at all hazards, the ruinous alliance concluded in 1796.

To attain this end, there is no sacrifice which Spain has not made; and as the preservation of the prince of Peace in the high degree of favor he enjoyed with Charles IV. depended in a great measure upon the continuance of this system, it was maintained with the greatest constancy and indefatigable attention. Fleets, armies, treasure, every thing was sacrificed to France: humiliation, submission, every thing was suffered, every thing was done to satisfy, as far as possible, the insatiable demands of the French government; but the idea never once occurred of preserving the nation against the machinations of an ally, who was over-running Europe.

The treaty of Tilsit, in which the destiny of the world seemed to be decided in his favor, was hardly concluded, when he turned his eyes towards the West, and resolved on the ruin of Portugal and Spain; or what comes to the same purpose, to make himself master of this vast peninsula, with a view of making its inhabitants as happy as those of Italy, Holland, Switzerland, and the League of the Rhine.

At this very time the emperor was revolving in his mind some designs fatal to Spain (for he began to disarm her) by demanding a respectable body of our troops to exert their valor in remote regions, and for foreign interests. This he effected without difficulty; and there was placed at his disposal a gallant and picked force of 16,000 men of all descriptions.

The enterprise of making himself master of Spain was not so easy as Napoleon imagined. It was, above all, necessary to find out some pretext for carrying into execution the daring and gigantic plan of subjugating a friendly and allied nation, that had made so many sacrifices for France, and which this very emperor had praised for its fidelity and nobleness of character.

Nevertheless, being accustomed to act with that disregard to delicacy in the choice of his means, which is characteristic of the man who imagines that the conquest of the whole world, the destruction of the human species, and the havoc of war, are conducive to true glory, he resolved to excite and foment discord in the royal family of Spain, through his ambassador at this court.

The latter, though not perhaps initiated in the grand secrets of his master, succeeded in seducing the prince of Asturias, our present king and master, and sug-

gested to him the idea of intermarrying with a princess related to the emperor. The affliction which his highness labored under from a conjunction of circumstances as lamentable as notorious, and his anxiety to avoid another connection into which it was attempted to force him, with a lady selected for him by his greatest enemy, and on that account alone the object of his aversion, induced him to acquiesce in the suggestions of the ambassador, but with the stipulation that it was to meet the approbation of his august parents, and under the impression that it would strengthen the friendship and alliance then subsisting between the two crowns. His highness, actuated by motives so urgent in a political point of view, and yielding to the solicitations of the ambassador, wrote accordingly to his imperial majesty.

A few days after our beloved prince wrote this letter, occurred the scandalous imprisonment of his august person in the royal monastery of St. Laurence, and the still more scandalous decree which was issued in the name of the king, and addressed to the council of Castile. There are very strong reasons to believe, that the unknown hand that frustrated this feigned conspiracy, was some French agent employed to forward the plan which Napoleon had formed.

Fortunately the Spanish nation was deeply impressed with its situation, entertained a just opinion of the good disposition and religious principles of their prince of the Asturias, and suspected instantaneously that the whole was a calumny fabricated by the favorite, as absurd as it was audacious, in order to remove the only obstacle which then opposed his views.

It is already known, that on the imprisonment of the prince of Asturias, his royal father wrote to the emperor, no doubt at the suggestion of the favorite, complaining of the conduct of the ambassador Beauharnois, in his clandestine communications with the prince of Asturias, and expressing his surprise that the emperor had not come to a previous understanding with his majesty on a subject of such pre-eminent importance to sovereigns.

As the imprisonment of the prince of Asturias, and, above all, the most scandalous decree fulminated against his royal person, produced an effect completely contrary to the expectations of the favorite, he began to be afraid, thought proper to recede, and to meditate a reconciliation between the royal parents and their son. With this view, as is stated in the abstract of the Escurial cause, circulated by the council in consequence of his majesty's orders of the 8th April, he forged certain letters, and made the prince of Asturias sign them while a prisoner, which being delivered into the hands of the royal parents, were supposed to have softened their hearts; and by these singular means did this innocent prince obtain a nominal liberty.

This was the state of affairs when a French courier arrived at the royal palace of St. Laurence, with a treaty concluded and signed at Fontainbleau on the 27th of October, by Don Eugenio Izqui-

erdo, as plenipotentiary of his Catholic majesty, and marshal Duroc, in the name of the emperor of the French. Its contents, as well as those of the separate convention, constitute Nos. I. II. of the documents annexed to this exposition.

It is worthy of observation, that the department of the ministry, of which I was at the head, was totally unacquainted with the measures taken by don E. Izquierdo, at Paris, as well as with his appointment, his instructions, his correspondence, and every part of his proceedings.

The result of this treaty was to render the emperor master of Portugal, with very little expence; to furnish him with a plausible pretext for introducing his armies into our peninsula, with the intent of subjugating it at a proper opportunity, and to put him in immediate possession of Tuscany.

The favorite was to have for his portion the Algarves and Alantejo, in full property and sovereignty; but the emperor's answer to the letters of the royal father had not yet arrived; it was completely uncertain what it would be, and this filled him with fear and anxiety.

The intimate relations which the favorite maintained at that period with the grand duke of Berg, through the medium of his confident Izquierdo, flattered him to a certain degree with the hope that every thing would be settled to his wishes, though the interposition of a few millions might be necessary. But neither the favorite nor his confident knew the real intentions of the person they were treating with at Paris. In fact, the instant that the emperor found that the favorite had committed himself, and the royal parents were brought into discredit, he shewed no disposition to answer his majesty's letters, for the purpose of keeping them in suspense, and inspiring them with dread, in the hope that they might form the resolution of withdrawing, though at that time he had not completed his plan for taking an advantage of such an occurrence.

The grand duke wrote to the favorite, that he would employ every means to support him, but that the negociation was rendered very delicate, owing to the extraordinary attachment which prevailed in Spain towards the prince of Asturias, and the consideration due towards a princess who was cousin to the empress, and in consequence of the part the ambassador Beauharnois, her relative, took in the business (1).

Now it was that the favorite began clearly to discover how much his credit had sunk, and he gave himself up for lost, in consequence of being deprived of the support of his imaginary protector, the emperor of the French. There were no means now neglected to endeavor to ingratiate himself with the grand duke of Berg, every sort of expression, every kind of deference was employed for this purpose; and the more effectually to avert the impending storm, he prevail-

(1) All this appears from the correspondence of the favorite with the grand duke, which the latter carried off from the office of the secretary of state, during his lieutenancy.

ed on the royal parents to write to the emperor direct, and to request his consent to the marriage of one of his cousins to the prince of Asturias.

Meanwhile the emperor of the French appeared to be very much dissatisfied with the conduct of Izquierdo, and kept him at a distance in order to cut off this direct mode of communication, and to make himself more impenetrable.

His imperial majesty set off on a journey to Italy, with that studied parade which all Europe has witnessed, giving it such an air of importance, that it was to be presumed he was going to fix the destinies of the world. But there is reason to surmise, that his real object was no other than to divert the general attention to that quarter, for the purpose of misleading the other states, while his real designs were directed to the invasion of Portugal and Spain.

This artifice and dissimulation did not, however, prevent the discovery of one of the articles in the secret treaty of Fontainbleau, by his expelling, with the greatest precipitation, from Tuscany, the queen regent and her children, and plundering the royal palace, and seizing all the public funds of a court that was ignorant of the existence of such a treaty, and had committed no act of forfeiture.

Whilst the emperor kept Europe in suspense by his journey to Milan and Venice, he thought fit to answer the letters, which he had some time before received from the royal father, assuring his majesty that he never had the slightest information of the circumstances which he communicated respecting his son the prince of Asturias, nor ever received any letter from his royal highness (2). Nevertheless his majesty consented to the proposed intermarriage with a princess of his family, undoubtedly with an intention of amusing the royal parents; whilst he was sending into Spain, under various pretexts, all the troops which he had then disposable, and was favorable to the cause of the prince of Asturias, and thus endeavoring to captivate the good opinion of the Spanish nation.

The royal parents, struck with the terror which this conduct of the emperor naturally inspired, and the favorite being still more astonished, opposed no obstacle to the entrance of the French troops into the peninsula; on the contrary, they gave the most effectual orders that they should be received and treated even on a better footing than the Spanish troops.

The emperor, under the pretence of consulting the security of these troops, ordered his generals, by stratagem or force, to get possession of the fortresses of Pampeluna, St. Sebastian, Figueras, and Barcelona, which alone could present any obstacle to an invasion. They were accordingly taken by fraud and surprise, to the indignation and sorrow of the whole nation, to which the French still affected to profess friendship and alliance.

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(2) Compare this statement with the contents of the letter (No. 3) from his imperial majesty to king Ferdinand, in which he acknowledges having received the letter written to him by the prince of Asturias, on the suggestion of ambassador Beauharnois.

The emperor, conceiving himself already master of all Spain, and thinking the time had arrived for accelerating his measures, thought proper to write a letter to the royal father, complaining in the bitterest terms, that his majesty had not renewed his application for an imperial princess for his son the prince of Asturias. The king was pleased to return for answer, that he adhered to the former proposal, and was willing that the marriage should immediately take place.

Some important proceeding was still necessary to carry the project to a proper degree of maturity, and the emperor, not willing to trust it to writing, thought he could not find a better instrument than don Eugenio Izquierdo, whom he had detained in Paris in a state of great dejection and terror, that had been artfully impressed upon him for the purpose of his more effectually executing his commission, by impressing the royal parents and the favorite with the same feelings.

In this state of things, the emperor ordered Izquierdo to repair to Spain, which he accordingly did, in a very precipitate and mysterious manner. According to his verbal statements, he brought no proposal in writing with him, nor was he to receive any, and he had orders to remain only three days.

On his arrival, under these circumstances, at Aranjuez, the favorite conducted him to the presence of the royal parents, and their conferences were conducted with so much secrecy, that it was impossible for any one to discover the object of his mission; but soon after his departure from the capital, their majesties began to show a disposition to abandon the metropolis and the peninsula, and to emigrate to Mexico.

The recent example of the determination taken by the royal family of Portugal, seemed to have fully corresponded with the views of the emperor, and there is reason to think that his imperial majesty promised himself a similar success in Spain.

But he must have been very ignorant of the Spanish character to flatter himself with such expectations. Scarcely had the first reports gone abroad of the intention of the royal family to abandon their residence, a resolution clearly indicated by the many preparations which were going on, when discontent and fear were depicted in the most lively colours in the features of all the inhabitants of the capital, and of all ranks and classes of persons. This alone was sufficient to induce their majesties to refute the rumor, and to assure the people that they would not abandon them.

Nevertheless, such was the general distrust, such the magnitude of the evils which must have resulted, and such and so many the symptoms of a determination to emigrate, that every one was on the alert, and all seemed to be impressed with the necessity of preventing a measure pregnant with so many mischiefs. The danger increased, and the fears of the public kept pace with it. The consequence was, that the commotions of Aranjuez, on the 17th and 29th of March, burst forth like a sudden

explosion; the people being led by a sort of instinct of self preservation. The result was, the imprisonment of the favorite, who, without the title of king, had exercised all the functions of royalty.

Scarcely had this tempestuous scene taken place, when the royal parents, finding themselves deprived of the support of their favorite, took the unexpected but voluntary resolution which they had for some time entertained, to abdicate their throne, as they accordingly did, in favor of their son and heir the prince of Asturias.

The emperor, ignorant of this sudden event, and perhaps never supposing that the Spaniards were capable of displaying such resolution, had ordered prince Murat to advance with his army towards Madrid, under the idea that the royal family were already on the coast, and on the point of embarking; and that far from meeting the slightest obstacle on the part of the people, all of them would receive him with open arms, as their deliverer and guardian angel. He conceived, that the nation was in the highest degree satisfied with their government, and never reflected that they were only dissatisfied with the abuses which had crept into the administration of it.

The instant the grand duke of Berg was apprised of the occurrences at Aranjuez, he advanced with his whole army to occupy the capital of the kingdom; intending, no doubt, to profit by the occasion, and to take such steps as should be best calculated to realise, by any means, the plan of making himself master of Spain.

In the mean while, the mysterious obscurity of the emperor's projects, the proximity of his troops, and the ignorance in which Ferdinand VII. was of the royal object of the emperor's approach, induced the king to adopt such measures as appeared to his majesty best calculated to conciliate the good will of the emperor. Not satisfied with having communicated his accession to the throne in the most friendly and affectionate terms, the king appointed a deputation of three grandees of Spain to proceed to Bayonne, and in his name to compliment his imperial majesty. He also appointed another grandee of Spain to pay a similar conduct to the grand duke of Berg, who had already arrived in the vicinity of Madrid.

One of the contrivances which the French agent had immense recourse to, was to assure the king, and to spread the rumor in all quarters, that his imperial majesty's arrival might be expected every moment. Under this impression, the necessary orders were given for preparing apartments in the palace suitable to the dignity of so august a guest: and the king wrote again to the emperor how agreeable it would be to him to be personally acquainted with his majesty, and to assure him with his own lips of his ardent wishes to strengthen more and more the alliance which subsisted between the two sovereigns.

The grand duke of Berg had in the mean time entered Madrid

at the head of his troops. He was no sooner acquainted with the state of affairs, than he began to sow discord. He spoke in a mysterious manner of the abdication of the crown, executed by the royal father in favor of his son, amidst the tumults of Aranjuez, and gave it to be understood, that until the emperor had acknowledged Ferdinand VII. it was impossible for him to take any step that should appear like an acknowledgment, and that he must be under the necessity of treating only with the royal father.

This pretext did not fail to produce the effect which the grand duke intended. The royal parents, the moment they were informed of this circumstance, availed themselves of it to save the favorite, who remained in confinement, and in whose favor prince Murat professed to take an interest, for the sole purpose of flattering their majesties, mortifying Ferdinand VII. and sowing fresh matters of discord between the parents and the son.

In this state of things, the new king made his public entry into Madrid, without any other parade than the most numerous concourse of all the inhabitants of the capital and its environs, the strongest expressions of love and loyalty, and the applauses and acclamations which sprung from the joy and enthusiasm of his subjects—a scene truly grand and impressive, in which the young king was seen like a father in the midst of his children, entering his capital as the regenerator and guardian angel of the monarchy.

The duke of Berg was an eyewitness to this scene; but, far from abandoning the plan, he resolved to persist in it with greater ardor. The experiment upon the royal parents produced the desired effect; but whilst the beloved king, who came to the throne under such good auspices, continued to be present, it was impossible to carry the plan into execution. It was, therefore, necessary, to make every effort to remove Ferdinand VII. from Madrid.

To accomplish this purpose, the grand duke every moment spread reports of the arrival of a fresh courier, with accounts of the emperor's departure from Paris, and that he might be speedily expected to arrive in this capital. He directed his efforts, in the first instance, to induce the infant don Carlos to set off to receive his imperial majesty, upon the supposition that his highness must meet him before he had proceeded two days on his journey. His majesty acceded to the proposal, being influenced by the purest and most beneficent intentions. He had no sooner succeeded in procuring the departure of the infant, than he manifested the most anxious desire that the king should do the same, leaving no means untried to persuade his majesty to take this step, and assuring him that it would be attended by the most happy consequences to the king and the whole kingdom.

At the same time that the grand duke of Berg, the ambassador, and all the other agents of France, were proceeding in this course, they were, on the other side, busily employed with the royal parents to procure from them a formal protest against the abdica-

tion of the crown, which they had executed spontaneously and with the accustomed solemnities, in favor of their son and legitimate heir.

His majesty being incessantly urged to go and meet the emperor, painfully hesitated between the necessity of performing an act of courtesy to his ally, which he was assured would be attended with such advantageous results, and his reluctance to abandon his loyal and beloved people under such critical circumstances.

In this embarrassing situation, I can assert, that my constant opinion, as the king's minister, was that his majesty should not leave his capital until he received certain information that the emperor was already arrived in Spain, and was approaching Madrid; and that even then, he should only proceed to a distance so short as not to render it necessary to sleep one night out of his capital.

His majesty for some days persisted in the resolution of not quitting Madrid until he received certain advice of the emperor's approach; he would have probably continued in that determination, had not the arrival of general Savary added greater weight to the reiterated solicitations of the grand duke, and the ambassador Beauharnois.

General Savary was announced as envoy from the emperor, and in that capacity demanded an audience from his majesty, which was immediately granted. At this audience he professed that he was sent by the emperor merely to compliment his majesty, and to know whether his sentiments with respect to France were conformable to those of the king his father, in which case the emperor would forego all consideration of what had passed, would in no degree interfere in the internal concerns of the kingdom, and would immediately recognise his majesty as king of Spain and the Indies.

The most satisfactory answer was given to general Savary, and the conversation was continued in terms so flattering, that nothing more could have been desired. The audience terminated with an assurance upon his part, that the emperor had already left Paris, that he was near Bayonne, and on his way to Madrid.

Scarcely had he left the audience chamber, when he began to make the most urgent applications, to induce his majesty to meet the emperor, assuring him that this attention would be very grateful and flattering to his imperial majesty; and he asserted so repeatedly, and in such positive terms, that the emperor's arrival might be expected every moment, that it was impossible not to give credit to his assertions. It was in fact very hard to suspect that a general, the envoy of an emperor, should have come merely for the purpose of deception.

The king at length yielded to so many solicitations, and so many flattering hopes and assurances; and his love of his subjects, and ardent desire to contribute to their happiness, by putting an end to this dreadful crisis, triumphed in his generous heart over every feeling of repugnance and apprehension.

The day appointed for his majesty's departure arrived. Gen.

Savary, affecting the most zealous and assiduous attention to his majesty, solicited the honor of accompanying him on his journey, which, at the farthest, could only extend to Burgos, according to the information which he had just received of the emperor's approach.

During his absence, supposed to be only for a few days, the king left at Madrid a supreme junta of government, consisting of the secretaries of state, and presided over by his uncle, the most serene infant don Antonio, in order that the urgent affairs of the government should be attended to.

General Savary followed him to Burgos, in a separate carriage; but the emperor not having arrived there, he used every exertion to induce his majesty to continue his journey as far as Vittoria. Various discussions arose as to the course which ought to be pursued; but artifice and perfidy contended with honor, innocence, and good faith; and in so unequal a strife, the same benevolent intentions which drew his majesty from his capital urged him to proceed to Vittoria.

"General Savary, convinced that his majesty had resolved to proceed no farther, continued his journey to Bayonne, with the intention undoubtedly of acquainting the emperor with all that had passed, and of procuring a letter from him which should determine the king to separate himself from his people.

At Vienna his majesty received information that the emperor arrived at Bordeaux, and was on his way to Bayonne. In consequence of this advice, the infant don Carlos, who had been waiting at Tolosa, proceeded on to Bayonne, whither he had been invited by the emperor, who, however, delayed his arrival some days longer.

Nothing particular occurred at Vittoria, except that the supreme junta of government at Madrid having written that the grand duke of Berg had imperiously demanded that the favorite should be released and placed in his hands, his majesty did not think proper to comply with this demand; and in communicating this determination to the junta of government, enjoined them to enter into no explanation with the grand duke respecting the fate of the prisoner (3).

In the mean time general Savary concerted with the emperor in what manner they should prepare to give the finishing blow; and while the French troops in the vicinity of Vittoria were making suspicious movements, he made his appearance in that city, with the letter, No. 3, to his majesty, from the emperor.

To the contents of this letter, which were neither flattering nor decorous, general Savary added so many and such vehement protestations of the interest which the emperor took in the welfare of his majesty, and of Spain, that he even went so far as to say,

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(3) Every body knows that the prisoner was at length delivered up to the French, and conducted under an escort by them to Bayonne. This step was solely owing to an order from the junta of government yielding to imperious circumstances and the peremptory menaces of the grand duke, as is stated more at large in the appendix to this publication.

'I will suffer my head to be cut off, if within a quarter of an hour of your majesty's arrival at Bayonne, the emperor shall not have recognised you as king of Spain and the Indies. To support his own consistency, he will probably begin by giving you the title of highness, but in five minutes he will give you that of majesty, and in three days every thing will be settled, and your majesty may return to Spain immediately.'

His majesty, however, hesitated as to the course which he should take; but anxious to redeem the pledge which he had given, and above all, to relieve his beloved subjects from the cruel anxiety in which they were, he banished from his heart every apprehension of danger, and shut his ears against my counsels, and those of other persons in his train, as well as to the supplications of that loyal city, and determined to proceed to Bayonne; his royal mind being incapable of suspecting that a sovereign, his ally, should invite him as a guest, for the purpose of making him a prisoner, and of putting an end to a dynasty, which, so far from having offended him, had given him so many striking proofs of its friendship.

Scarcely had his majesty set foot on the French territory, when he remarked that no one came to receive him, until, at his arrival at St. Jean de Luz, the mayor made his appearance, attended by the municipality. The carriage stopped, and he addressed his majesty with the most lively expressions of the joy he felt at having the honor of being the first to receive a king who was the friend and ally of France.

Shortly after, he was met by the deputation of the three grandees of Spain, who had been sent off to meet the emperor; and their representation, with respect to the intentions of the emperor, was not the most flattering. He was, however, too near Bayonne, to think of changing his course, and he therefore continued his journey.

There came out to meet the king, the prince of Neufchatel, and Duroc, marshal of the palace, with a detachment of the guard of honor which the citizens of Bayonne had formed to attend the emperor, and they invited his majesty to enter Bayonne, where a place had been prepared for his residence. This residence appeared to all, and was, in reality, but little suitable to the rank of the august guest who was to occupy it. This remarkable and expressive neglect formed a singular contrast with the studied magnificence which the king had employed in making the preparations at Madrid for the reception of his ally.

His majesty was doubting what could be the meaning of a reception that he so little expected, when he was informed that the emperor was coming to pay him a visit. His imperial majesty arrived, accompanied by a number of his generals. The king went down to the street door to receive him, and both monarchs embraced each other with every token of friendship and affection. The emperor staid but a short time with his majesty, and they embraced each other again at parting.

Soon after marshal Duroc came

to invite the king to dine with his imperial majesty, whose carriages were coming to convey his majesty to the palace of Marac: this accordingly took place. The emperor came as far as the coach steps to receive his majesty, embraced him again, and led him by the hand to the apartment provided for him.

The king had no sooner returned to his residence, when general Savary waited on his majesty to inform him that the emperor had irrevocably determined that the Bourbon dynasty should no longer reign in Spain; that it should be succeeded by his; and therefore his imperial majesty required that the king should, in his own name and that of all his family, renounce the crown of Spain and the Indies, in favor of the dynasty of Bonaparte.

It would be difficult to describe the surprise with which the royal mind of his majesty was effected, and the consternation with which all those who were nearest to his person were struck at hearing of such a proposition. His majesty was not yet recovered from the fatigues of a toilsome journey, when the same man who had made him so many protestations of security at Madrid, and on the road, who had drawn him from his capital and his kingdom to Bayonne, on pretence of adjusting matters of the greatest importance to both states, and of his being recognised by his imperial majesty, had the audacity to be the bearer of so scandalous a proposal.

On the following day, I was sent for by the emperor to his royal palace, where I found the minister of foreign affairs, M. Champagny, waiting to enter upon a discussion of the proposals verbally stated by general Savary. I instantly complained of the perfidy with which so important an affair was proceeded in; representing that the king my master came to Bayonne, relying on the assurances given by general Savary, in the name of the emperor, and in the presence of the duke del infantado, S. Carlos, D. Juan Escoiquez, and myself, that his imperial majesty would recognise him at the very first interview between the two sovereigns in the imperial palace of Marac; that when his majesty expected to witness the realization of this promised recognition, he was surprised with the propositions above alluded to; and that his majesty had authorised me to protest against the violence done to his person, in not permitting him to return to Spain; and as a categorical and final answer to the solicitation of the emperor, that the king neither would nor could renounce his crown in favor of another dynasty, without being wanting in the duties which he owed to his subjects and to his own character; that he could not do so in prejudice to the individuals of his own family, who were called to the succession by the fundamental laws of the kingdom; and much less could he consent to the establishment of another dynasty, which ought alone to be called to the throne by the Spanish nation, in virtue of their original right to elect another family upon the termination of the present dynasty.

The minister of foreign affairs insisted on the necessity of the renunciation which had been pro-

posed, and contended that the abdication signed by Charles IV. on the 19th of March, had not been voluntary.

I expressed my surprise that the king should be importuned to renounce his crown, at the same moment that it was asserted that the renunciation of his father was not his free act. I wished however not to be understood as entering into such a discussion, as I could not acknowledge the smallest authority in the emperor to intermeddle with matters which were purely domestic, and peculiarly belonging to the Spanish government; following in this respect the example of the cabinet of Paris, when it rejected as inadmissible the applications of his majesty, the royal father, in favor of his ally and first cousin the unfortunate Louis XVI.

Nevertheless, desirous of giving to truth and innocence a testimony which they alone had a right to exact, I added, that three weeks before the disturbances at Aranjuez, Charles IV. in my presence, and that of all the other ministers of state, addressed her majesty the queen, in these words:—'Maria Louisa, we will retire to one of the provinces, where we will pass our days in tranquillity; and Ferdinand, who is a young man, will take upon himself the burden of the government.'

I represented to him, that on the 17th, 18th, and 19th, no violence was done to his majesty in order to extort an abdication of his crown, either by the people, who had risen purely from the apprehension that his majesty was going to remove to Seville, and thence to America; or on the part of his son, the prince of Asturias, or any other person; of which facts the ministers of the *corps diplomatique*, as well as all the persons about the court, were fully convinced, since all of them congratulated and complimented the new sovereign, with the exception of the French ambassador, who pretended that he had not been furnished with the necessary instructions, disregarding the example of his colleagues, who were as little provided with instructions from their respective courts.

I concluded with proving to him that the renunciation of the royal father was only the consequence of his majesty's predilection for the tranquillity of a private life, and his persuasion that his constitution, enfeebled by age and habitual indisposition, was incompetent to support the heavy burden of the government.

This irrelevant objection having been got rid of, M. Champagny stated, that the emperor could never be sure of Spain, in case of a new war with the powers of the North, while the Spanish nation continued to be governed by a dynasty who must regret to see its elder branch expelled from the monarchy of France.

I answered, that in a regular system of things, such prepossessions never prevailed over the interests of states, and that the political conduct of Charles IV. since the treaty of Basle, afforded a recent proof that sovereigns had paid little regard to family interests, when they were in opposition to the interests of their dominions; that the friendship

between Spain and France was founded in local and political considerations; that the topographical situation of the two kingdoms was of itself sufficient to demonstrate how important it was for Spain to preserve a good understanding with France, the only state on the continent of Europe with which she had direct and very extensive relations, and consequently that every reason of policy induced Spain to maintain a perpetual peace with France. Besides, what ground of suspicion had the emperor with respect to a nation, who, to considerations of interest, add the inflexible and religious integrity with which at all periods, according to the admission of French writers themselves, they had preserved their federative system.

I added, that there were reasons no less important why France should not endanger the continuance of that harmony which prevailed since the treaty of Basle, with equal advantage to herself and to Spain; that the Spanish nation, whose generosity and affection for their sovereigns were proverbial, if from a principle of fidelity they had submitted to the caprices of despotism, when covered with the veil of majesty, would, from the operation of the same principle, display their well known valor, when they saw their independence, and the security of their beloved sovereign, violated; that if, unfortunately France should commit so atrocious an insult, that power would lose an ally, whose armies, fleet, and treasure, had in a great measure contributed to her triumphs; that England, which had in vain attempted to shake the good faith of the Spanish cabinet, for the purpose of separating her from France, would avail herself of such a conjuncture to diminish the force of her enemy, and to augment her own, by pacific relations with a power which she would assist with money and with her forces by land and sea, in the glorious enterprise of defending our independence, and the security of our king and natural lord; that the feeble colonies of France would not in that event find the maritime forces of Spain employed in obstructing the plans of conquest entertained by Great Britain; and that the commerce of that power must inevitably come into competition at the Spanish market with the French merchandise, which is now peculiarly favored.

Besides these considerations having a direct relation to the interest of both states, I expatiated on others no less cogent, and connected with the character of the French cabinet.

I reminded the minister, that, on the 27th of October last, a treaty was signed at Fontainbleau, wherein the emperor guaranteed the independence and integrity of the Spanish monarchy as it then was; that nothing had since occurred which could justify its infraction: on the contrary, that Spain had continued to add new claims to the confidence and gratitude of the French empire, as his imperial majesty himself had confessed, by the praises which he bestowed on the good faith and constant friendship of his intimate and first ally.

What confidence, I added, can Europe place in her treaties

with France, when she looks to the perfidy with which that of the 27th of October last has been violated? And what must be her terror when she sees the captious means, the seductive artifices, and the false promises by which his imperial majesty has confined the king in the city of Bayonne, in order to despoil him of the crown to which, with the inexpressible joy of his people, he has been called by the fundamental laws of the kingdom, and the spontaneous abdication of his august father? Posterity will not believe that the emperor could have given so great a blow to his own reputation, the loss of which will leave no other means of concluding a war with him, than that of total destruction and extermination.

This was the state of the discussion, when the emperor, who had overheard our conferences, ordered us to enter his own cabinet, where, to my great surprise, I was insulted by his imperial majesty, with the infamous appellation of traitor, upon no other ground, than having been minister to Charles IV. I continued to serve his son Ferdinand VII. He also accused me, in an angry tone, of having maintained, in an official correspondence with general Montion, that my master, in order to his being king of Spain, did not stand in need of the recognition of the emperor, although that might be necessary in order to continue his relations to the French government.

His imperial majesty manifested still greater irritation on account of my having said to a foreign minister, accredited to the court of Spain, that if the French army offered any violation to the integrity and independence of the Spanish sovereignty, 300,000 men would convince them, that a brave and generous nation was not to be insulted with impunity

After this ill treatment which I met with, which was as satisfactory to my own feelings on account of the real causes of it, as it was painful on account of the royal personage whose interests were in question, his imperial majesty, with his natural asperity, entered into a conversation upon the points which had already been discussed. He was not insensible of the strength of my reasons, and the solidity of the arguments by which I supported the rights of the king, his dynasty, and the whole nation; but his majesty concluded by telling me —'*I have a system of policy of my own. You ought to adopt more liberal ideas; to be less susceptible on the point of honor, and not sacrifice the prosperity of Spain to the interest of the Bourbon family.*'

His majesty, distrusting the apparent complacency with which I received the attention which he was pleased to show me as I was taking leave of him, sent to inform the king, that upon the subject under discussion a more flexible negociator would be necessary. Whilst his majesty was considering whom he should appoint to succeed me in this negociation, one of the many puppets who played their parts in the intrigue, introduced himself to the archdeacon D. Juan de Escoiquez, and persuaded him to pay a visit to the minister M. Champagny. He accordingly went, under the impulse of a most zea-

lous regard for the interests of his majesty, and prevailed on the minister of the foreign affairs to communicate to him the most recent propositions of the emperor, which he said seignor Escoiquez immediately put into writing, and a literal copy of them will be found in No. 4, of the documents.

In this state of things, his majesty, impressed with the qualities which adorn the most excellent seignor don Pedro de Labrador, formerly minister to the court of Florence, and honorary councillor of state, invested him with full powers and suitable instructions, which may be seen in No. 4, ordering him to present them to the minister of foreign affairs, and to demand his full powers in return, that the proposals of his imperial majesty should be communicated in an authentic manner. Both these demands were rejected by the minister Champagny, under the frivolous pretext, that '*they were mere matters of form, being wholly unconnected with the essential object of the negociation.*'

Seignor Labrador insisted on the importance of both the one and the other requisites, especially in a matter of such great consequence; adding, that without them he could discuss no subject; and that the king his master required them to verify the instructions, if necessary, that had been given him; but always in vain. Notwithstanding this, seignor Champagny talked of the last propositions of the emperor, which were somewhat different from those presented by general Savary, but not less irritating and violent; and he concluded with telling seignor Labrador, that the prosperity of Spain and his own were at that moment within his power.

This minister answered, that he would communicate to the king his master these new proposals. He made those reflections upon them which his talents, his zeal for the service of his sovereign, and for the good of his country, naturally suggested; and he stated, that the welfare of his sovereign, and that of the nation, were inseparably united. He added, that to these two objects he had directed all his attention in various situations; and, lastly, he said that he readily admitted that his own prosperity depended on the issue, because his fidelity to the king of Spain, and to his native country, as well as the reputation he had acquired by the faithful discharge of his duty, were connected with it. Seignor Labrador, before he terminated the conversation, asked M. Champagny if the king was in a state of liberty? To which the French minister replied, that there could be no doubt of it. On this, Labrador rejoined, 'Then he should be restored to his kingdom.' To this the Frenchman replied, 'That in respect to his return to Spain, it was necessary that his majesty should have a right understanding with his imperial majesty, either personally or by letter.'

This answer, added to the other circumstances, left no doubt in the mind of the king that he was actually at Bayonne in a state of arrest; however, to give more ostensibility to this violence extended towards his majesty, I sent a note by his royal order to

the minister for foreign affairs, telling him the king was determined to return to Madrid, to tranquillise the agitation of his beloved subjects, and to provide for the transaction of the important business of his kingdom; assuring M. Champagny at the same time, that I would continue to treat with his imperial majesty on affairs reciprocally advantageous. No answer was given to this communication, nor had it any other effect than to increase the caution and vigilance applied for the detention of his majesty.

Seignor Labrador was certainly not a fit person for their purposes, for he was immediately got rid of under the pretence of his not holding a rank corresponding to that of monsieur Champagny, and that his natural disposition was too inflexible.

The tricks of diplomacy could not prevail over the firmness of the king, or the zeal of his representatives, and the individuals of his royal household, who deliberated at a council (his majesty being present) upon the interests of the king and the nation: so that the emperor saw himself under the necessity of changing his plan, in order to accomplish his purpose, and he wished that the royal parents should depart for Bayonne, in order to make them the instruments of the oppression and disgrace of their son. For this purpose he ordered the grand duke of Berg to employ all his arts to accelerate their journey to Bayonne.

The royal parents required that the favorite should precede them in their journey, and the grand duke made various applications to the junta of government to obtain his liberty. The junta had no authority to liberate him, having in this point been laid under posive restraint by his majesty's orders from Vittoria, as has been already mentioned; but the council, misled by the suggestions of his imperial majesty, and intimidated by the threat that the grand duke would obtain by irresistible force what would not be conceded as a favor, the junta ordered the release of don Manuel Godoy, who was immediately conveyed to Bayonne, under an immediate escort. The decree (No. 6) in the hand-writing of the king, is an authentic proof of the determination of his majesty as to this particular.

The royal parents undertook their journey, and proceeded in it with too much rapidity for the unhappy state of health of Charles IV. but the inexorable will of the emperor had determined that it should be so.

What his imperial majesty undertook was a most arduous task. It was necessary to his purpose to deaden the sensibility of the king; to destroy his affection for his first-born, which the most infamous court intrigue ever contrived had not yet wholly extinguished. Further, it was necessary that these loving parents, affectionate to some of their children, should, with respect to him, substitute for their natural tenderness the most frigid and cruel indifference. To fulfil the purposes intended by Napoleon, in the end, with respect to the royal parents, they must become the instruments of misery, correction, and imprisonment; they were to become the jailors of their children. His power, by

triumphing over all the feelings of nature, accomplished his purposes.

I have proved that the abdication of the royal father at Aranjuez was a spontaneous act, and that the motive to it was the partiality of his majesty towards his disgraced favorite. In Bayonne, he told the king, his son, that he did not wish to return to the throne of Spain; notwithstanding that, he desired his majesty should renounce the crown, to make a present of it to the emperor; that is, to present it to a sovereign, who, in part at least, has been the origin of the difficulties of Spain, the only cause of the loss of our squadrons, the mover of the disturbances at court and in the nation, and of the intended journey of the royal family to Seville, and from thence to America, prevented by the explosion of the 17th of March.

I leave to the wisdom of the sovereigns of Europe to judge whether it is possible that a monarch, affectionate to his children, highly enlightened, penetrated deeply by the principles of religion, and pious without superstition, could without violence forget for a moment all his duties to his family, and proscribe his whole dynasty, to call another to the throne, for whom he has no esteem, and, on the contrary, detests, as the plunderer of those thrones which have come within the reach of his ambition. If such be the change, it is the most extraordinary revolution that history has presented to the world!

Ferdinand VII. overawed, a prisoner, and controlled by circumstances, on the 1st of May made a conditional renunciation of his crown, in favor of his august father. To this followed the letter of the royal father to his son; and the very discreet answer of the royal son to the father.

On the 5th of the same month of May, at four in the afternoon, the emperor went to visit the royal parents, and continued in conference until 5 o'clock, when king Ferdinand was called in by his august father, to hear, in the presence of the queen and the emperor, expressions so disgusting and humiliating, that I do not dare to record them. All the party were seated, except king Ferdinand, whom the father ordered to make an absolute renunciation of the crown, under pain of being treated, with all his household, as an usurper of the throne, and a conspirator against the life of his parents.

His majesty would have preferred death; but desirous not to involve in his misfortunes the number of persons comprised in the threat of Charles IV. he assented to another renunciation, which bears on its front all the indications of constraint and violence, and which in no respect answers its purpose, to colour over the intended usurpation of the emperor.

These are the only instances of renunciation in which I have interfered as minister and secretary of state. That which is spoken of at Bourdeaux, I have not the least knowledge of; but I know the emperor, in the last conference with king Ferdinand VII. said to his majesty, "*Prince, il faut opter entre la cession et la mort!*"—"*Prince, you have only to choose between cession & death!*"

With respect to the rest, the whole world is apprised that Charles IV. renounced the crown to the emperor at the time that the prince of Asturias, his brother the infant don Carlos, and his uncle the infant don Antonio, were forced to surrender their rights. The emperor now believing himself proprietor of the crown of Spain, placed it on the head of his brother Joseph Napoleon, king of Naples.

It has already been explained, that although the king left his court for a few days, he thought fit to sanction a junta, of which the infant don Antonio was to be president, with full powers to determine for him and in his royal name, all subjects that would not permit of delay. Every night I sent a courier to this junta, communicating what appeared necessary for its information and direction.

When the king arrived at Bayonne (and on the day of his arrival, the ambition and violent intentions of the emperor were communicated to him), I began to fear that the extraordinary couriers would be intercepted, as was found to be the fact. Among the various disputes that I had with the minister Champagny, on the different accidents that occasioned the detention of the cabinet couriers, the answer that he gave me to a remonstrance of mine is sufficiently remarkable. It is to be seen among the documents in justification. In this situation of things, I took the precaution of sending duplicates of different conveyances. By such means I succeeded so far as to give information to the junta of government of the arrest and oppression to which the king had been exposed.

It was easy to foresee that the freedom of the junta would not be respected, since, notwithstanding all the offers and assurances of the emperor, the liberty of the sovereign was violated at Bayonne; and that the noble designs of some members of the same assembly would be obstructed (although boldly declared) by the irresistible power of the representative of the emperor. To this, no doubt, is to be attributed their not having consulted upon the awful condition of the kingdom, and the remedy for such a calamity, as well as not having appointed a junta to assume the regency, in a place where the bayonets of the enemy could not penetrate.

The king was surprised that the junta had not written; and the following post, when his majesty had come to a determination in consequence, without losing a moment, I sent a royal order to the junta, *that they should execute whatever was expedient for the service of the king and the kingdom, and that for that purpose they should employ all the powers which his majesty would possess if he were himself resident in the kingdom* (4).

Nothing could be written that could be more intelligible. The security of the means of communication diminished every moment; for I could not expect

(4) The cabinet courier conveying this royal order was intercepted, on which account I sent a duplicate, which was received by the junta, the memorandum of which I have not been able to preserve.

that the emperor would regard the sacredness of a correspondence, since he paid no respect to the person of the sovereign to whom it was subservient.

The junta, notwithstanding, thought it was necessary to consult his majesty, and to obtain his orders as to various measures which appeared to them necessary for the salvation of the country; and for this purpose they sent to Bayonne a confidential person of known zeal in the royal service, to transmit verbally to the king the following propositions:—

1. Whether his majesty thought fit to authorise the junta to substitute, in case of need, some person or persons of their own body, or otherwise, to hold a council in a secure situation, where it could freely act? And they entreated his majesty to signify who should compose the council for that purpose, should he think the measure expedient.

2. Whether it was the wish of his majesty, that hostilities should be commenced against the French army; and in that case, when and how the purpose should be executed?

3. Whether it were likewise the wish of the king, that we should endeavor to prevent the entrance of more French troops into Spain, by guarding the passes on the frontiers?

4. Whether his majesty thought it would be right to convoke the Cortes, for which purpose a decree of his majesty would be necessary, addressed to the royal council? It being possible that at the arrival of the answer of the king, the junta would not be at liberty to act, they asked whether any chancery or audience of the kingdom should be empowered, which was not within the reach of the French troops? Further, if the Cortes should be assembled, on what subject of discussion it should proceed?

The person charged with these propositions arrived at Bayonne on the 4th of May at night: he came to me immediately, and having disclosed to me his business, I introduced him to his majesty without losing a moment.

The king having taken into consideration the four propositions submitted to his attention by the junta, sent in answer two royal decrees in the morning of the following day; the one written by his majesty with his own hand, directed to the junta of government; the other signed by his majesty ("Yo el Rey"), addressed in the first instance to the council, and next to any chancery or audience of the kingdom, which should not be under restraint.

These original decrees dispatched by me with all care, and under secure conduct, it is well known, arrived in the hands of one of the members of the junta, who is now absent, and whose name was first mentioned; but the junta is apprised that he made no use of it, nor did he ever send to the council the decree which was addressed to it (5).

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(5) When these two royal decrees came to the hands of the junta, the grand duke of Berg had been for some days president; and the affair of the 2d of May had taken place. The emperor, after the departure of the royal parents, precipitately and indecently forced from the capital all the mem-

The minutes of these two decrees are not in my possession, because the critical situation of the king at Bayonne, and the necessity of avoiding the exposition of his views, obliged me to destroy them. Notwithstanding this, I preserved them in my memory, and they are testified and certified by the three secretaries of his majesty, D. Eusebio Bardaxi y Azara, D. Luis de Onis, and Evaristo Perez de Castro, who were with me at Bayonne, and saw and read the two original decrees, the substance of which is as follows :—

The king said to the junta of government, that he was not in a state of freedom, and consequently incapable of taking any measures for the preservation of the royal person and the monarchy. On that account the junta was entrusted with most ample powers to repair to any place that should be deemed most convenient; that in the name of his majesty, and representing his own person, they might exercise all the functions of sovereignty; that hostilities should commence the moment when his majesty should proceed to the interior of France, which he would not do, unless obliged by violence. Lastly, that in such a case, the junta should prevent, in the best manner they could, the introduction of more troops into the peninsula (6).

In the decree directed to the royal council, and next to any chancery or audience, his majesty said, that, in the situation in which he found himself, deprived of his liberty, it was his royal will that the Cortes should be assembled in such place as should appear most convenient; that at first they should occupy themselves exclusively in attending to the levies and subsidies necessary for the defence of the kingdom, and that their sittings should be permanent, to determine what should be done on future events (7).

The disgraceful means of which the emperor availed himself to obtain the renunciation of the crown of Spain in his favor, have already been known; but the violence of Bonaparte to accomplish his purposes did not terminate there. Blinded as he

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bers of the royal family, and sent them to Bayonne. But yet he had to take the important step of taking complete possession of the government, in order to which the bloody scene of the 2d of May was exhibited; a scene of horror and iniquity, similar to what the modern French have executed in other countries with similar designs.

(6) The perfect agreement between the recommendation of the king given to the junta, in his royal decree of the 5th of May, and the determination of his faithful vassals, is very remarkable. We have seen that all the provinces of the monarchy rose spontaneously to resist the oppressor, without having any knowledge of the will of their sovereign.

(7) We, the three secretaries of the king for decrees, certify, that we have seen and read in Bayonne the two original decrees sent by his majesty Ferdinand VII. on the 5th of May, in this year, which are mentioned above, and the substance of the contents of them, as far as we can recollect, is the same as is here stated.

EUSEBIO DE BARDAXI Y AZARA,
LUIS DE ONIS.
EVARISTO PEREZ DE CASTRO.
Madrid, Sept. 1, 1808.

was by the extravagance of his ambition, he could not yet discern how easily these acts of renunciation would be disposed of; and therefore he endeavored to confirm them by means of a council, which he called a national assembly, and which was convoked at Bayonne (8).

He named about 150 Spaniards, of different classes, conditions, and corporations, to constitute the assembly, but only about 90 were convened, A part of these, representing some cities, tribunals, or public bodies, brought with them instructions in the nature of powers given them by those whom they represented, but wholly insufficient to answer the purpose intended. The ministers of the council were without any powers or instructions whatever, a precaution adopted by this tribunal in conformity to the opinion of its commissioners, in order to avoid all involuntary compromises. Most of the deputies had no other powers than merely an order to take their departure, and many of them did not belong to any public body or acknowledged class of the community.

The emperor fully expected, from the acquiescence of these individuals, a mask under which to conceal his usurpation. But he was utterly deceived. Instead of finding weak men convenient to the designs of his mercenary ambition, he was met by Ministers incorruptible, Grandees worthy of their rank, and Representatives who were faithful defenders of the interest and of the honour of their country. They all with one accord, informed him that they held powers much restricted, that they were not the legitimate Representatives of Spain, and that they could not compromise her rights.

These and other similar reflections were treated with insolence in the tribunal of the Usurper, who, far from being discomfited, put into activity all the means of oppression, flattering himself that by victories on the one hand and corruption on the other, he should so colour over injustice that he would not be considered by the world as the subverter of general tranquillity.

I do not enter into the particulars that occured in this Congress; but one of the Ministers of the Council of Castile, who does so much honour to his robe, will satisfy the curiosity of the public as to this particular.

I ought not to speak of what I have suffered for my king and country: The truth is, I have not suffered, for all I have done has been required by my most sacred duties. It was to me the highest satisfaction too see my lodgings in Bayonne surrounded by the satellites of Government: to these spies succeeded, who abound always where those are in authority who in history usurp the characters of heroes. My steps were reckoned—my visits observed

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(8) It is well known that this junta was assembled at Bayonne, according to printed notice given on the 19th of May, to treat, as it was said, of the means of securing the happiness of Spain, but in fact to propose the continuance of all the evils of the former system, and such reforms and alterations as were most likely to destroy the whole country, and every province belonging to it.

—spionage under the mask of compassion, approached to examine the secrets of my soul; but nothing disturbed the tranquility of my mind. What I could not behold with patience, was to see myself condemned to a confinement within the frontier of France until the emperor should consider that my narration of the scandalous proceedings could not destroy the lofty fabric of the new Spanish Monarchy. In vain, for two months, I applied to the Minister for foreign affairs with the utmost importunity to be permitted to return to my beloved country; the determined resistance I made to the attempt of usurpation made the French Government deaf to my entreaties, believing, not without good reason, that I should endeavour to inflame heroism in my country, denominated insurrection in the Journals of Bayonne.

In such unfavourable circumstances, a mode presented itself to me of avoiding a state of indefinite punishment.—Such were the repeated entreaties of Joseph Napoleon that I should continue with him to the situation of Minister, in which I acceded with repugnance and from constant, but without prejudice of my right to abandon it at a convenient opportunity.

This opportunity occurred the moment I set foot in Madrid. From that instant I only thought of availing myself of the most early means of resigning my new character, which I did in the same manner shown in the document.

Joseph Napoleon could not be grieved at the disappearance of a minister who so frequently opposed his wishes (9), and who, in the opinion of some of those who immediately surrounded him, was a Quixote in his maxims, *who could not comprehend the sublime intentions of the greatest heroes in favor of the regeneration of Spain!*

I have shown in this narrative, with clearness and fidelity, the series of the principal events in this important epoch, carefully avoiding to enter into minute particulars foreign to my object, or which should make this exposition too prolix; and I have endeavored to place before my readers, in its true point of view, all the injustice and violence with which the French government has conducted itself towards our beloved sovereign, and the whole nation.

It has already been proved, that the renunciation of Charles IV. in favor of his son Ferdinand VII. is vitiated in no respect. In the slight sketch which we have drawn of the perfidious and deceitful arts with which the emperor has made the progress we have seen, the series of atrocious insults offered to Spain, and to the unfortunate king Ferdinand VII. remains depicted in indelible colours.

The emperor alarms Charles IV. in order that he may induce him to take flight for America, with all the royal family, and

(9) I may particularly instance the affair of the oath, when Joseph Bonaparte arriving at Madrid, wanted to compel every body to swear allegiance to him; and that of the banishment of the council of Castile to Bayonne, for its noble resistance.

abandon the peninsula to the former: he lights up the flames of discord between the royal parents and their child, in order to debilitate Spain, dividing it into parties: after having disgraced the royal persons, he draws Ferdinand VII. from his court by false promises; he makes him captive in Bayonne; and when he saw that the virtue of the young king knew how to resist his designs, and that Ferdinand could not be induced to renounce his crown, he occasioned him to be brought to Bayonne, with all the other personages of the royal family, as if to present them bound before the imperial tribunal, which was both judge and party in the same cause: he endeavors to deprive the parents of the sensibilities of nature, and forces them to become the instruments of the oppression of their child: from the latter he extorts a renunciation, the most irregular and illicit transaction amongst the affairs of men; and by a series of abdications exacted by the same illegal and violent expedients, he believes that he has become the proprietor of the crown of Spain; he transfers it to his brother, without considering the infamy to which he would be exposed in the cabinets in Europe, by the usurpation of the throne of a monarch, his friend and ally!

Who can doubt from this clear evidence, that the renunciation executed by Ferdinand VII. in favor of his august father, and that which succeeded in favor of the emperor are absolute nullities? Who will doubt, but that if the last should have emanated from a free exercise of the will, the rights of the dynasty of Bourbon are not prejudiced by it? Who does not know, that in case of the extinction of such a family, and by the very establishment of the Spanish monarchy, the nation alone can invite another dynasty, or can introduce such a form of government as it shall most approve?

In another part of this narrative, I have shown that Ferdinand VII. was too honorable to suppose that the emperor could entertain such atrocious designs. The king desired to free Spain from the oppression of the French troops; it was promised him, that this and all other matters should be regulated with the emperor, and that he should return to his kingdom with the fruit of his exertions for the good of his vassals; and that no hour of his life was unseasonable to him to exert himself for their happiness. This I saw, and can testify.--- During his confinement, nothing afflicted his generous heart so much as the sufferings of his people; and when his liberty began to be doubtful, he adopted the means the most agreeable to his paternal solicitude: such was the order which he gave for the regency, naturally sought, when his freedom was interrupted; and such was the command that the Cortes should be assembled to determine those questions which in their proper places have been noticed.

Valour and patriotism have successfully armed the whole nation in its own defence, and for the protection of their legitimate sovereign, although the people had no knowledge of the will of

their beloved Ferdinand as to this movement. That patriotism, united to wisdom, will now impel them irresistibly to perform with promptitude the most important work of the central government or regency, which may administer the affairs of the kingdom in the name of his majesty.

Thus will be completed, for the advantage of all, the last expression of the will of the king, which he condescended to use the moment before he was forced to renounce the crown; thus will the nation be preserved from this dreadful tempest; it will have exhibited before Europe an example of loyalty, honor, and generous energy, which will be the subject of admiration in every age, and in every country.

PEDRO CEVALLOS.

Madrid, Sept. 1, 1808.

DOCUMENTS.

No. I.---Secret treaty between his Catholic majesty and his majesty the emperor of the French, by which the parties stipulate every thing respecting the future condition of Portugal.---Fontainbleau, Oct. 27, 1807.

Art. I. The province of Entre Minho y Duero, with the city of Oporto, shall be made over, in entire property and sovereignty, to his majesty the king of Etruria, with the title of king of Northern Lusitania.

II. The province of Alantejo, and the kingdom of the Algarves, shall be made over, in entire property and sovereignty, to the prince of peace, to be by him enjoyed under the title of prince of the Algarves.

III. The province of Beira, Tras los Montes, and Portuguese Estremadura, shall remain undisposed of until there be a general peace, to be then disposed of according to circumstances, and conformably with what may be agreed upon between the two high contracting powers.

IV. The kingdom of Northern Lusitania shall be held by the descendants of his majesty the king of Etruria hereditarily, and according to the laws of succession which are established in the family on the throne of Spain.

V. The principality of the Algarves shall be held by the descendants of the prince of peace hereditarily, and according to the laws of succession which are established in the family on the throne of Spain.

VI. If there should be no descendants or legitimate heirs of the king of Northern Lusitania, or of the prince of the Algarves, these countries shall be disposed of by investiture by the king of Spain in a manner so that they shall never be united under one head or annexed to the crown of Spain.

VII. The kingdom of Northern Lusitania and the principality of the Algarves, shall acknowledge as protector his Catholic majesty the king of Spain, and in no case the sovereign of those countries shall make peace or war without his consent.

VIII. In case that the provinces of Beira, Tras los Montes, and Portuguese Estremadura, held in sequestration, should devolve at a general peace to the house of Braganza, in exchange for Gibraltar, Trinidad, and

other colonies, which the English have conquered from Spain and her allies, the new sovereign of these provinces shall have, with respect to his Catholic majesty the king of Spain, the same obligations as the king of Northern Lusitania, and the prince of Algarves, and shall hold them under the same conditions.

IX. His majesty the king of Etruria cedes the kingdom of Etruria, in full property and sovereignty, to his majesty the emperor of the French and king of Italy.

X. As soon as the provinces of Portugal shall be definitively occupied, the different princes who are to possess them shall mutually appoint commissioners to ascertain the natural boundaries.

XI. His majesty the emperor of the French and king of Italy guarantees to his Catholic majesty the king of Spain, the possession of his dominions on the continent of Europe, situated to the south of the Pyrennees.

XII. His majesty the emperor of the French and king of Italy engages to recognise his Catholic majesty the king of Spain, as emperor of the *Two Americas*, when every thing is ready for his majesty's assuming that title, which may be either at the general peace, or at farthest within three years therefrom.

XIII. The two high contracting powers shall mutually agree upon an equal partition of the islands, colonies, and other transmarine possessions of Portugal.

XIV. The present treaty shall be kept secret. It shall be ratified, and the ratification shall be exchanged at Madrid, within 20 days, at the latest, from the date of its signature.

Done at Fontainbleau,
Oct. 27, 1807.

DUROC
E. IZQUIERDO.

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No. II.---Secret convention concluded at Fontainbleau, between his majesty the king of Spain, and his majesty the emperor of the French, by which the parties adjust all that relates to the occupation of Portugal.---Fontainbleau, 27th October, 1807.

Art. I. A body of French imperial troops, consisting of 25,000 infantry and 8000 cavalry, shall enter Spain, and march direct for Lisbon: they shall be joined by a body of 8000 Spanish infantry and 3000 cavalry, with 30 pieces of artillery.

II. At the same time a division of Spanish troops, consisting of 10,000 men, shall take possession of the province of Entre-Minho y Duero, and ofthe city of Oporto; and another division of 6000 men, also consisting of Spanish troops, shall take possession of Alantejo, and the kingdom of Algarves.

III. The French troops shall be subsisted and maintained by Spain, and their pay shall be provided by France during the time occupied by their march through Spain.

IV. The moment that the combined troops have entered Portugal, the government and administration of the provinces of Beira, Tras los Montes, and Portuguese Estremadura (which are to remain in a state of sequestration) shall be vested in

the general commanding the French troops; and the contributions imposed thereon shall accrue to the benefit of France. The provinces that are to form the kingdom of Northern Lusitania, and the principality of the Algarves, shall be administered and governed by the generals commanding the Spanish divisions which shall enter the same; and the contributions imposed thereon shall accrue to the benefit of Spain.

V. The central body shall be under the orders of the commander of the French troops, to whom also the Spanish troops attached to that army shall pay obedience. Nevertheless, should the king of Spain or the prince of Peace think fit to join the said body, the French troops, with the general commanding them, shall be subject to their order.

VI. Another body of 40,000 French troops shall be assembled at Bayonne by the 20th of November next, at the latest, to be ready to enter Spain for the purpose of proceeding to Portugal, in case the English should land reinforcements therein, or menace it with attack. This additional corps, however, shall not enter Spain until the two high contracting parties have come to an agreement on that point.

VII. The present convention shall be ratified, and the ratifications exchanged at the same time with those of the treaty of this date.

Done at Fontainbleau, 27th October, 1807.

DUROC.
E. IZQUIERDO.

SPANISH ROYAL FAMILY.

When Charles III. died, the crown fell, December 13, 1788, on Charles IV. born Nov. 11, 1748, married Sept. 4, 1760, to Louisa-Maria-Theresa, a daughter of the duke of Parma, who was born Dec. 9, 1751.

A brother to Charles IV. (l'infantado of Spain, and third son of Charles III.) Ferdinand-Antoine, born Jan. 12, 1751, was proclaimed king of both Sicilies, Oct. 6, 1759.

Children of Charles IV.

1. Charlotte-Joachim-Theresa, born April 25, 1777, married the 9th of January 1790, to Johan-Maria-Joseph, prince of Brazil, who took the reign of the kingdom of Portugal, July 15, 1799.

2. Maria-Louisa-Josephine, born July 6, 1782, married Sept. 25, 1795, to Ludwig, l'infant of Spain, who died the 27th of May, 1803.

3. Ferdinand, prince of Asturias, born October 14, 1784, married August 26, 1802, with Maria-Anthonietta-Theresa-Amelia, princess of Sicily, born Dec. 15, 1784. [Ferdinand is now declared king. His wife died a short time since; to her influence, however, king Charles ascribes the hatred of Ferdinand to the French.]

4. Caroline-Isabella-Isidor, born March 29, 1788.

5. Maria-Isabella, born July 6, 1789, married July 6, 1802, to Francis-Januar-Joseph, heir to the kingdom of Sicily and the infantado of Spain.

6. Francis-de-Paula-Antoine-Maria, born March 10, 1794.

House of Sicily, who have pretensions to the Spanish throne.

King of Sicily, Ferdinand IV. l'infantado of Spain, son of king Charles III. married to Maria-Caroline Ludwick Joseph, daughter of the Roman emperor, born August 13, 1752, wedded May 12, 1768.

Their issue.

1. Maria Theresa-Caroline, born June 6, 1772, married Sept. 19, 1790, to Francis II. emperor of the Romans and king of Hungary.
2. Francis-Januar-Joseph, born August 19, 1777, married to Maria-Isabella, 5th child of Charles IV. This person is denominated l'infantado of Spain.
3. Maria Christiana-Theresa, born January 17, 1779.
4. Maria-Amelia, born April 26, 1782.
5. Maria-Antonietta-Theresa-Amelia, married to the prince of Asturias.
6. Leopold Johan-Joseph Michael, born July 2, 1790, grand prior of Messina.

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SPEECH OF HIS C. M. JOSEPH I. PRONOUNCED, ON SUBMITTING THE CONSTITUTION OF SPAIN, ADOPTED BY THE SPANISH NATIONAL ASSEMBLY.

Gentlemen Deputies,

I have wished to come in the midst of you before you separate. Brought together by a series of extraordinary events, to which all nations have been subject at more or less distant periods, and by the dispositions of my august brother the emperor Napoleon, you have displayed sentiments which are those of the age. You will find the result of them stamped in the constitutional act, which will be read to you.

With it will cease the long disasters of Spain; disasters which the secret uneasiness that has for a long time agitated this nation, gave but too much cause to apprehend. The effervescence which yet prevails in some provinces, will cease when the people shall know that their religion, their independence, and the integrity of their country are guaranteed: and when they shall see in these new institutions, the germ of the prosperity of their country; blessings which the neighboring nations have obtained only by dint of bloodshed and misfortune.

Would to heaven that all the Spaniards were together here! One sole interest binds them, and then they would have but one sentiment. We should not see ourselves under the cruel necessity of losing any of those who, seduced by foreign incitements, must see themselves reduced by force of arms!

The enemy of the continent hopes and expects to deprive us of our colonies, by taking advantage of the troubles which it excites in Spain. For this reason, every good Spaniard should open his eyes, and cling round the throne. We bring the act which establishes the reciprocal rights and duties of the king and the people. If they are disposed to

make the same sacrifices that we are, Spain will before long be tranquil, and as happy in its interior, as it will be just and powerful in its exterior.

We accept with the highest confidence, this contract at the feet of the deity, who reads in the innermost recesses of the hearts of men, who disposes of them at his will, and who never forsakes the man who loves his country, and has no other fear than that of his conscience.

This speech being finished, his majesty delivered the constitution to the president, who handed it to one of the secretaries, and he having read it in an intelligible voice from the beginning to the end, the president put the question to the assembly whether they accepted the constitution, and all the members answered *individually*, that they accepted of it.

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ABSTRACT OF THE CONSTITUTION DESIGNED FOR SPAIN, BY THE EMPEROR NAPOLEON.

In the name of God omnipotent, don Joseph Napoleon, by the grace of God, king of Spain and the Indies.

Having been present at the national junta assembled in Bayonne, by order of our dear and much beloved brother Napoleon, emperor of the French and king of Italy, protector of the confederation of the Rhine, &c. &c. &c.

We have decreed and do decree the present constitution to be observed as the fundamental laws of our states, and as the foundation of the compact which unites our people to us and us to our people.

CHAP. I.

Art. I. The Catholic, Apostolic, and Roman religion shall be, in Spain, and in all the Spanish possessions, the religion of the king and the nation; and no other shall be tolerated.

CHAP. 2.

Of the succession to the crown.

Art. 2. The crown of Spain and the Indies, shall be hereditary in our direct descendants, natural and legitimate, from male to male, in order of primogeniture, and to the perpetual exclusion of females.

In failure of our male descendants, natural and legitimate, the crown of Spain and the Indies, shall *return* to our very dear and much beloved brother Napoleon, emperor of France and king of Italy, and to his male heirs and descendants, natural, legitimate, or adopted.

In failure of male descendants, natural, legitimate, or adopted, of our said very dear and much beloved brother Napoleon, the crown shall pass to the male descendants, natural and legitimate of the prince Louis Napoleon, king of Holland.

In failure of the male descendants, natural and legitimate of the prince Louis Napoleon, to the male descendants, natural and legitimate of the prince Jerome Napoleon, king of Westphalia.

CHAP. 3.

Of the regency.

Art. 8. The king shall be a

minor until he shall have completed the age of eighteen years. During his minority, there shall be a regent of the kingdom.

Art 9. The regent shall have attained at least the age of twenty-five years.

Art. 10. The regent shall be designated by the former king, from among the infants who have attained the age determined by the preceding article.

Art. 11. In failure of such designation by the former king, the regency shall fall to the infant most distant from the throne in hereditary order, who shall have attained the age of twenty-five years.

Art. 15. From the revenues appropriated for the crown, one-fourth part shall be taken for the revenue of the regent.

CHAP. 4.

Of the revenue of the crown.

Art. 21. The patrimony of the crown shall be composed of the palaces of Madrid, the Escurial, St. Ildefonso, Aranjuez, Pardo, and all the others which until now have belonged to the crown, with their appurtenances and dependencies of whatever nature.

The rents of the estates shall be paid into the treasury of the crown; and if they do not amount to the annual sum of one million of dollars, they shall be augmented by other estates, until their product or rent shall complete this sum.

Art. 22. There shall be paid from the national treasury into that of the crown, a sum annually of two millions of dollars, by twelfth parts of monthly payments.

Art. 23. The infants of Spain as soon as they arrive at the age of twelve years, shall receive for their support an annual rent, as follows: The heir apparent, two hundred thousand dollars—each of the infants one hundred thousand dollars—each of the infantas, fifty thousand dollars. The national treasurer shall deliver these sums to the treasurer of the crown.

Art. 24. The queen shall receive for her dowry, four hundred thousand dollars, to be paid from the treasury of the crown.

CHAP. 7.

Of the senate.

Art. 32. The senate shall be composed:—1st. Of the infants of Spain who shall have attained the age of eighteen years. 2d. Of twenty-four individuals appointed by the king from among the ministers, captains general of the army and navy, ambassadors, the counsellors of state, and those of the royal council.

Art. 33. No person can be appointed senator, who has not attained the age of forty years.

Art. 34. The office of senator shall be for life.

Art. 39. The duty of the senate shall be to attend to the preservation of individual liberty, and the liberty of the press.

Art. 45. A junta of five senators, named by the senate, shall be charged with watching over the liberty of the press.

Art. 46. The authors, printers, and booksellers, who think

they have cause of complaint for preventions in the impression or sale of a work, can have recourse directly, and by means of petition, to the senatorial junta for the liberty of the press.

Art. 47. When this junta shall have satisfied themselves that the publication of the work will not prejudice the state, they shall request the minister who gave the order to revoke it.

Art. 48. If after three consecutive requisitions, made in the space of one month, it should not be revoked, the junta shall call a meeting of the senate; which, if there be cause, shall make the following declaration:

"*There are strong presumptions that the liberty of the press has been infringed.*"

The president shall place this deliberation in the hands of the king.

CHAP. 8.

Of the council of state.

Art. 52. There shall be a council of state, over which the king shall preside, which shall be composed of thirty individuals at least, and of seventy at the most, and shall be divided into six sections, to wit: section of justice and ecclesiastical negociations; section of the interior, or general police; section of ways and means; section of war; section of the marine; and section of the Indies. Every section shall have a president and four individuals at least.

Art. 53. The heir apparent can assist at the sessions of the council of state, when he arrives at the age of fifteen.

Art. 59. The council of state in the business of its department shall have no more than an advising voice.

CHAP. 9.

Of the assembly (Cortes).

Art. 61. There shall be an assembly or junta of the nation composed of one hundred and seventy-two individuals, divided into three estates, to wit: the estate of the clergy; that of the nobility; that of the people. The estate of the clergy shall be seated on the right of the throne; that of the nobility on the left; and in front that of the people.

Art. 62. The estate of the clergy shall be composed of twenty-five archbishops and bishops.

Art. 63. The estate of the nobility shall be composed of twenty-five nobles, who shall be distinguished by the title of grandees of the assembly (grandes de Cortes.)

Art. 64. The estate of the people shall be composed: 1st. of seventy-two deputies from the provinces of Spain and the Indies; 2d. of thirty deputies from the principal cities of Spain and the adjacent isles; 3d. of fifteen merchants or traders; 4th. of fifteen deputies from the universities, learned persons, or distinguished by their personal merit in the sciences or arts.

Art. 65. The archbishops and bishops who compose the estate of the clergy, shall be raised to the class of members of the assembly by a parchment, sealed with the grand seal of state; and cannot be deprived of the exercise of their functions, but in virtue of a sentence given by the

competent tribunals, and in legal form.

Art. 66. The nobles to be raised to the class of grandees of the assembly, shall enjoy an annual income of twenty thousand dollars at least, or shall have done great and important services in the civil or military line. They cannot be deprived of the exercise of their functions but in virtue of a sentence given by the competent tribunals, and in legal form.

Art. 67. The deputies from the provinces of Spain, and the adjacent isles, shall be named for these places, at the rate of one deputy for three hundred thousand inhabitants. For this purpose the provinces shall be divided into districts of election, which shall have the necessary population to entitle them to the election of a deputy.

Art. 69. The assemblies for election cannot be held but by virtue of a royal order of convocation, in which shall be expressed the object and place of their meeting, and the time of opening and closing the assembly.

Art. 71. The deputies from the thirty principal cities of the kingdom, shall be named by the body of magistrates of each of them.

Art. 73. The fifteen merchants or traders, shall be elected from the members of the chambers of commerce, and from those in the best credit and richest of the kingdom; and they shall be appointed by the king from among those who shall be comprehended in a list of fifteen individuals, formed by each of the tribunals and chambers of commerce.

The tribunal and chamber of commerce shall unite in every city, in order to form in company their list of presentation.

Art. 74. The deputies from the universities shall be appointed by the king from those comprehended in a list, 1st, of fifteen candidates presented by the royal council; and 2d, of seven candidates, presented by each of the universities of the kingdom.

Art. 76. The assembly or cortes, shall be convened by the king. They cannot be deferred, prorogued or dissolved, but by his order.

They shall meet at least once every three years.

Art. 77. The president of the assembly shall be appointed by the king from among three candidates, which the said assembly shall propose by a plurality of votes.

Art. 80. The sessions of the assembly shall not be public, and its resolves shall be made verbally, or by scrutiny from a plurality of votes.

Art. 81. The *opinions and resolves* of the assembly shall not be divulged or printed. Every publication by means of printing or edict, made by the assembly of the cortes, or by any of its individual members, shall be considered as an act of rebellion.

Art. 82. A law shall determine every three years, the quota of rents and annual expences of the state; and this law shall be presented by the orators of the council of state, for the deliberation and approbation of the assembly.

The variations which shall be made in the civil or penal code, in the system of imposts or the system of coins, shall be pre-

sented in the same manner, for the deliberation and approbation of the assembly.

CHAP. 10.

Of the kingdoms and Spanish provinces in America and Asia.

Art. 87. The kingdoms and Spanish provinces of America and Asia shall enjoy the same rights as the metropolis.

Art. 89. A reciprocal commerce is permitted between the kingdoms and provinces and the metropolis.

Art. 90. No particular privilege of exportation or importation shall be given in the said kingdoms and provinces.

Art. 92. Their deputies shall be in number, twenty-two, viz. —two from New Spain; two from Peru; two from the new kingdom of Grenada; two from Buenos Ayres; two from the Philippines; one from Cuba; one from Porto Rico; one from Venezuela; one from Charcas; one from Quito; one from Chili; one from Cuzco; one from Guatimala; one from Yucatan; one from Guadalaxara; one from the internal western provinces of New Spain; one from the eastern provinces.

Art. 94. The deputies shall exercise their functions for the space of eight years.

CHAP. 11.

Of the judicial order.

Art. 98. Justice shall be administered in the name of the king, by tribunals which he himself shall establish.

Art. 99. The king shall appoint all the judges.

Art. 100. No judge shall be deprived of his office but by approbation of the king.

CHAP. 12.

Of the administration of the revenue.

Art. 117. The system of contributions shall be equal throughout the kingdom.

Art. 118. All the privileges which actually exist, given to companies or individuals, are suppressed.

Art. 119. The national treasury shall be distinct from the treasury of the crown.

Art. 121. The king shall appoint the national treasurer.

Art. 123. The appointment to all the offices shall belong to the king, or to the authorities to whom it is confirmed by the laws and regulations.

CHAP. 13.

General dispositions.

Art. 124. There shall be an alliance offensive and defensive perpetually, as well by sea as by land, between France and Spain. A special treaty shall determine the proportion which each power shall contribute in case of war, by sea or land.

Art. 133. *The torture is abolished.*

Art. 134. If the government should have notice that any conspiracy is forming against the state, the minister of police shall give an order of arrest and impri-

sonment against the individuals as authors or accomplices.

The whole consists of 146 articles, and is dated in Bayonne, July 6th, 1808, signed by Joseph, countersigned by the secretary of state, Mariano Luis de Urquijo, and afterwards signed by the junta assembled for this purpose, consisting of ninety-one members.

The cortes consists of 172 members; their approbation of the laws is given by a plurality of votes. Of this assembly, only 72 deputies are chosen by the people, the remainder being appointed by the king or officers immediately under his direction.

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ANSWER OF THE PRESIDENT OF THE SPANISH NATIONAL ASSEMBLY TO THE KING, ON THE ADOPTION OF THE NEW CONSTITUTION.

SIRE—The paternal expressions that Y. M. has been pleased to address to this assembly, are very proper to unite them, and each one of us, more heartily yet, if it were possible, to a monarch whom we have known from far for a long time by the fame of his virtues, and who enchants us by his goodness since we have had the happiness of approaching and admiring him. Whatever words we have heard from the lips of Y. M. have inspired us with the surest confidence that our dear country is going to recover under the mild government of Y. M. from the inveterate evils which have brought her to such a low condition, and from those that are now caused her by errors, inconsiderateness, want of reflection, and bad advice, the people not having yet seen Y. M. and their ignorance of the great chart of constitution, the irrefragable foundation of their felicity; this same chart which Y. M. has placed in my hands, and which is the pledge of the care and watchfulness with which the incomparable hero of our age, the great Napoleon, emperor of the French, is employed in operating the good of Spain. The assembly will go to pay him the tribute of thanks which is due to him, and will present him the homage of a nation, which I am certain must be grateful to him.

And how much will it not be to Y. M. when it will see you entirely devoted to organise its government, re-establish its finances, revive its commerce, create its industry, and direct it in the roads which it had forgotten, of prosperity and glory? Y. M. has announced and does now proclaim, that you will lead it through them: and the proofs that Y. M. has given, that you know the difficult art of reigning, leave us no doubt that you will accomplish it. May the Almighty be pleased to grant Y. M. a long life, that you may enjoy the sweet spectacle of seeing renewed and restored to comfort, power and splendor, the generous nation that you enter to govern—and receive alive the benedictions of the generations which will succeed ours, for the prosperity of which they will be indebted to the wisdom of your government.

Happy omens are those of a reign and a dynasty which begins by renewing the compact which is to unite the people with the so-

vereign, the family with its father; and which designates the respective duties and functions for the natural good of him who commands, and those who have the good fortune to obey him. Would to God that all the children of the great family were present at this act! It seems to me that I can assure, that they would all exclaim with us—*May Joseph Napoleon I. reign happily in Spain, as he chooses only to reign according to the law:—we willingly pay to him the obedience that this prescribes to us.* I flatter myself that they will very soon pay this obedience which we are now going to swear before the altar, taking God to witness for the good and ready will which we offer it, and with which we acknowledge Y. M. for our lawful sovereign.'

It was also decreed, that the assembly should go to give thanks to H. M. the emperor, for his zeal and exertions in promoting the felicity of Spain, and for the great work of the constitution, which has been entirely that of H. I. M. and in the same sitting they were informed that he would give them audience at four o'clock in the afternoon. At that hour they repaired to the imperial palace of Marrac, and having been admitted to the presence of the emperor, the president addressed H. I. M. in the following terms:—

Sire—The Spanish national assembly has terminated this day the glorious functions for which Y. I. and R. M. had been pleased to convoke it in this city. It has this moment given its willing acceptance to the great magna charta in which has been solidly fixed, the eternal and indestructible principles of the felicity of Spain. This generous nation had very much declined from its ancient splendor, and was beset with those evils which announce the approaching overthrow of governments and people.

Fortunately for her, that providence which governs the world, placed, in such sorrowful circumstances, her fate and destinies in the beneficent and irresistible hands of your I. M. and it is fortunate they should be irresistible—for the miserable condition of mankind is such, that the more we need assistance, the more obstinate are we wont to be in not admitting it.

The whole of Spain will be undeceived, sire; we are confident that she wanted this assistance, and could not expect it from any other quarter. This is a most certain truth, on which I should wish that those who cannot yet be sincerely united to the authority which actually governs Spain would reflect.

Let them examine within themselves under what other regimen they would have been able to enjoy the inexpressible blessings which we are now going to enjoy. Let them consider this, and answer with candor.

The social order was about being dissolved among ourselves: the supreme government had drawn every thing to itself with the view of extending further the limits of its arbitrary powers; it selected the affairs in which partiality or caprice might be exercised at pleasure, and left the rest in the utmost dereliction. The authorities that were to labor under its inspection, dispirited and dejected, no longer knew what path to pursue; and if they did

not act iniquitously, were at least prevented from doing good. The finances were really a chaos, and the public debt an abyss. All the springs of administration were dislocated and broken; there was not any sound part that would perform its functions with regularity; and it was certain that in a very short time the whole body would be paralised and lose its action and motion. Where is the judicious Spaniard who has not thought a thousand times that it could not proceed any further, and did not fix a very short period for its total dissolution? To what other power but to that of your I. M. would it have been possible in such a condition, not only to repress the evil, for this was not sufficient, but to make it entirely disappear, and substitute order for disorder, law for caprice, justice for oppression, and security for uncertainty!

These are the prodigies, sire, that the hand of Y. M. so much accustomed to them, has effected in a few days, which at the same time that they astonish the world, are hardly perceived by you, not appearing to have cost the least effort.

We acknowledge now that the means Y. M. has employed were the only ones that could be used opportunely and profitably.—To have given to Spain a wise constitution which restores to it its ancient cortes, secures property and personal liberty, loosens the fetters of genius, establishes a solid government, and fixes the national prosperity; and placing upon the throne of Spain a just and amiable prince, who will reign only according to the laws, and will have no other happiness than that of his people, has been a consummate work of wisdom; for which, the national assembly, who have resolved to perpetuate it as far as it will be in their power, by a lasting monument, have thought it their duty to come and offer at the feet of your imperial and royal majesty this homage of respect and gratitude, for themselves and in the name of the Spaniards of all climates, of all the individuals of an immense family extended over so many parts of the globe; who (I repeat again) will, before long, bless unanimously their generous benefactor, causing his august name to pass even to the remotest generations, with the glorious epithet of the RESTORER OF SPAIN.

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The emperor, who had received the assembly with the greatest tokens of goodness and affability, spoke to them of the desire he had always had, and still continues to have, to cause Spain to recover her ancient glory and splendor.

The assembly being dismissed from the presence of his imperial majesty, the session was dissolved, and the business of the assembly was finished.

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Bayonne, June 6.

ADDRESS OF THE DEPUTATION TO THE GRAND GENERAL JUNTA.

Dear Spaniards, beloved countrymen,

Your inhabitants, your cities, your power, and your property, are as dear to us as ourselves; and we wish to keep all of you in

our eyes, that we may be able to establish your security.

We, as well as yourselves, are bound in allegiance to the old dynasty—to her to whom an end has been put by that Godlike providence which rules all thrones and sceptres. We have seen the greatest states fall under the guidance of this rule, and our land alone has hitherto escaped the same fate.

An unavoidable necessity has now overtaken our country, and brought us under the protection of the invincible emperor of France.

We know that you will regard our present situation with the utmost consideration, and we have accordingly, in this conviction, been uniformly conciliating the friendship to which we are tied by so many obligations.—With what admiration must we see the benevolence and humanity of his imperial and royal majesty outstep our wishes—qualities which are even more to be admired than his great power! He has desired nothing else than that we should be indebted to him for our welfare. Whenever he gives us a sovereign to reign over us in the person of his magnanimous brother Joseph, he will consummate our prosperity.

As he has been pleased to change our old system of laws, it becomes us to obey, and to live in tranquillity: as he has also promised to re-organize our financial system, we may hope that then our naval and military power will become terrible to our enemies; national credit will be maintained; the chains which fetter our commerce will be broken; our agricultural resources will receive similar improvement. Lastly, knowing your attachment to your religion, and the uprightness of your character, no change will be made in your worship. He assures you, that you, as your forefathers have done, shall enjoy the holy catholic religion, as the same is permitted in all the kingdoms under his dominion.

And what is the return which the great emperor of the French requires from you, and from the whole nation, for such important blessings? That you remain peaceable; that you watch over the interests of your households and your families; that you do not blindly give up yourselves to that madness which is inseparable from rebellion and insurrection; that you receive the improvement of your lot with becoming confidence, whereby you will experience the government of a worthy monarch, who will watch over you like a father, and whose happiness is inseparable from yours, and of which his subjects will reap the benefit.

Spaniards, think upon yourselves, your families, and your children! What can you expect from rebellion and anarchy? Think on the benefits you enjoy, and are likely to enjoy—a continuance of the blessings enjoyed by your forefathers, with the redress of every thing of which they had cause to complain.

Honest agriculturalists, who know the sweets of domestic comforts; industrious mechanics, who fill the cities, you know what is dear to your hearts; merchants and manufacturers, who owe your existence to your industry and diligence; citizens of all

classes, who owe so much to the protection of the laws—let all keep in view in what misery you will be involved, if you suffer yourselves to be misled by those who wish to profit by your animosities! One false step will deprive you of all! What can you hope to receive in return for so great a hazard? Can any thing induce you to resist the powers which reign over you, or to abjure the wholesome safeguard of the laws?

Anarchy is the greatest curse that God can bring upon a people; while it prevails, it breaks down, burns, annihilates, and loosens every thing. This state of things is as ungovernable as the waves of the sea.

Let us recollect the ties that bind us together as one people; that we have always fought under the same standard! Ah, how dreadful is civil war; for this century past Spain has enjoyed tranquillity—why change the scene, and turn away from our fraternal advice?

No man doubts Spanish bravery. You can do wonders. But, without system, and without leaders, your efforts would be vain. The most numerous bands of undisciplined men dwindle before a regular army, like chaff before the wind.

We have been placed in a most critical situation, but we now present you with a new and well organized government, which secures the liberty, the rights, and the property of every individual. This was to be expected of the invincible Napoleon, who has been occupied in matters that relate to our happiness, and who has shewn himself anxious to deserve well of our country by becoming her restorer. Let us throw no obstacles in the way of the great benefits which will result from our new union.

Thus you will fulfil the most ardent wishes of his imperial highness the lieutenant general of the kingdom, (Murat) of the junta, and of the council of Castile—the highest powers in the nation. Thus also will you deserve the countenance and protection of him in whose mighty and benevolent hand is our lot.

May Heaven, which has hitherto guarded our country, incline you to repose your confidence in these our councils.

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PROCLAMATION BY THE SUPERIOR JUNTA OF THE GOVERNMENT.

Spaniards,

The superior junta of the government, consisting of the first magistrates of the nation, this day assembled, address you, in order to remove the errors which the evil disposed and the ignorant endeavor to make you believe and cherish. Wretched errors, which might produce incalculable evils, if the supreme authority did not hasten to destroy them in the birth.

The junta, confident that those who at all times, and on all occasions, have listened with respect to the voice of their magistrates, will not less incline their ear, and display submission, when the question is for them either to secure their property for ever, by uniting themselves with the first authorities of their state, or

to labour for the destruction of their native land, by lending themselves to those commotions, into which the eternal enemies of the glory and property of Spain seek to throw them.

At a moment when, in Spain, a country so highly favored by nature, but impoverished, exhausted, and disgraced in the eyes of all Europe, by the defects and misrule of its government, the period of its complete annihilation was approaching; when the very efforts which had been made for the renewal of its debilitated powers, had only served to aggravate its disasters, and to plunge it in new misfortunes, when in short, no longer any hope remained. Providence had presented us with the means, not only of averting the destruction of our country, but even of raising it to a degree of prosperity and splendour, which it never reached even in the most illustrious periods of his history.—By one of the political revolutions which amaze those only who are inattentive to the progress of events, the house of Bourbon found itself driven from those thrones which it possessed in Europe, except that of Spain the only one which it still retained. After having reduced the nation to the last stage of weakness and decay, deprived of that support which they had hitherto derived from the other branches of their family, those relations could not be maintained which had before united them with France, it became impossible for the Bourbons, to maintain thesmelves on a throne from which all the intervening changes of the political system obliged them to descend; the mightiest prince in Europe has received the abdication of the Bourbons, not to incorporate your territory with his own kingdom, which is already so extensive, but to establish the Spanish monarchy on a new basis, thus employing his irresistable power, for the purpose of operating those wholesome reforms which we have long wished for. It is with a view that he has summoned the deputies of the cities, of the provinces, and of the state councils, into his illustrious presence, in order to consult them with regard to those fundamental laws which must form the security of sovereign authority, and of the fidelity of his subjects. He will place the crown of Spain on the head of a noble-minded prince, who will know how to attach to himself all hearts, by the worth of his character: he will exert means which no other has in his power, and soon place Spain in that rank from which she has fallen by the weakness of those princes who have hitherto governed her.—When the morning of our prosperity dawns, is it possible to conceive that men incable of the high destiny prepared for them, who lay claim to the honour and title of true Spaniards, and upright friends to their country should seek to deceive you and give us up to all the horrors of civil war, at the very moment when the hero, who is the author of our present blessings, and must be the wonder of posterity, was fully employed in the developement of those plans which he had formed for the prosperity of Spain. Certainly the junta of the government wish to remove this error on the part

of the Spaniards, so praise worthy for their patriotism; and in the mean time they at present see with pain, that some person led away by an inconsiderate zeal, and by the anxieties of a mistaken loyalty; that others misled with respect to the true situation of their country, and above all by the secret agents of a hostile nation, actuated by envy of the prosperity of the continent, have been able to lead into a spirit of error a part of the good inhabitants of some of the provinces, and to sow the seeds of disunion and insurrection. Brave Spaniards! should you permit yourselves to be deceived by their deceitful pretences? Understand you not, those who in such critical circumstances become the apostles of insurrection and counsel you to disobey your superiors, are the true enemies of your country? What do those exciters of uproar and dissention aim at? Is it the restoration of your old monarchs? These are out of Spain: what can they expect from your impotent efforts? Is it to defend the laws on which you make your future prosperity to depend? Who then thinks of annulling them? On the contrary, is it not in contemplation to restore to the nation its ancient freedom and original constitution, a blessing which it has only been permitted us within these few days to think of? Mistaken inhabitants of the provinces, what would you be at? Will you bring down upon your heads all the horrors of war, see your fields laid waste, your cities burnt, your inhabitants destroyed? Think you that a tumultuous levy of brave inhabitants, without military skill, without chiefs, without money, without magazines, without provisions, will be able to withstand experienced armies, and soldiers grown old in the habits of victory? The junta still flatters itself that you will reflect on the fatal consequences which your first steps must infallibly produce, if unfortunately a foolish obstinacy prevent you from quickly returning to the path of submission and patriotism, which a moment of error has permitted you to desert. And to convince you, that this only object is the better to instruct you, that the prince who adores them, that the emperor of the French, who holds our destinies in his hand, has no other view than to promote your prosperity, the junta will make known to you the intentions of the new sovereign who comes to rule over you. Hear and judge —the cortes, those ancient sureties of your freedom, will be re-established, more powerful and better constituted than they had ever been; they shall be assembled at least every three years, and as often as the wants of the nation shall make their assembling necessary. The yearly expenditure of the royal establishment shall be limited; the sum taken out of the royal treasury for that purpose shall never be increased; it shall only be the half of what has hitherto been appropriated to the same purpose. The Roman catholic religion shall be exclusively that of Spain; no other worship shall be permitted. Finally, the junta of government have strong reasons to hope that the personal contributions levied during the present war will be considerably diminished in con-

sequence of the improvements which the new government intends to make in the mode of its collection; and while the warlike and political situation of Europe will require the greatest exertions for increasing our marine, the diminution of our land forces may be hoped for. Add to this, that useful reforms will be gradually made in all the departments, public credit shall be restored, the debt shall be fixed, and paid of in a few years.

The administration of justice shall be made certain by invariable rules. The sovereign authority shall not be permitted to influence its course. Agriculture will be encouraged, commerce animated, and population increased. The army and navy will resume their ancient lustre; all the means calculated to secure general prosperity will be put in motion. Judge then, whether it is your interest to draw your swords, in order that your own happiness and that of your posterity may be prevented, and whether those who light up the fire of discord among you are true Spaniards, and friends of their country. You now know, Spaniards, the destiny which awaits you if you preserve among yourselves tranquillity and order.—If you heartily unite with your government. Every thing tends to your benefit, and approximates the moment when your happiness shall commence. But if you forget this wholesome advice of the junta, you may dread the just wrath of a monarch, who will punish a blind and obstinate criminality with as much severity as he would nobly forgive the error of a moment. Are you ignorant that numerous French armies are already in Spain? Do you not know that still more numerous armies are now crossing the frontiers? The provinces which do not immediately return to their duty, will be occupied by the French troops, and treated with all the severity of martial law.—The lieutenant general has already given orders for several divisions to advance and punish the rebellious; but the junta of the government, wishing to save several provinces, in which disturbances have commenced, from the danger which threatens them, have, on the application, and in the name of the provinces, acknowledged their error, and promised to return to order, his imperial highness has graciously accepted their request. He has suspended the punishment of the guilty, but that punishment will be terrible, if the traitorous suggestions of the evil-disposed should have more power over the minds of the Spaniards, than the paternal voice of their magistrates, their clergy, and all their authorities, civil and military.

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OPINION OF GENERAL PALAFOX, GIVEN BY ORDER OF HIS MAJESTY FERDINAND VII. (WHOM GOD PRESERVE), IN THE CITY OF BAYONNE, THE 29th APRIL, 1808.

His majesty having ordered me to give my opinion, in writing, whether he ought or ought not to abdicate his crown, and take in exchange that of Tuscany, as is proposed by the emperor of the French.—I declare my opinion

to be, that he ought not by any means to abdicate his crown, nor can he do so without violating his honor, and the engagements which he has contracted with his subjects, who took the oath of allegiance to him as heir of the crown. An additional reason is this, that his majesty is absent from his dominions, and consequently in a situation where no act of that description can be valid; such an act can the less stand good, as he is deluded and deceived by the false insinuations of the emperor Napoleon, and absolutely despoiled of all liberty. Besides, to render an act of this nature valid, it would be necessary to call a meeting of the cortes, and with their consent, his majesty might adopt any resolution which he should deem expedient. I am further of opinion, that he cannot accept the crown of Tuscany in exchange, without disgracing his own, which he wears with so much dignity, especially, because it is no equivalent, as is pretended by the emperor, and is moreover the lawful property of the most serene infant Charles Lewis, who has been proclaimed king of France, and would undoubtedly have the right to claim that crown. On these and other palpable grounds, his majesty ought not by any means to accede to the proposal of the emperor, because it is disgraceful and contrary to the high dignity of the Spanish throne; nor ought any degree of violence or force move his majesty to accept the above proposal, as the acceptance of it would render him guilty of gross misconduct in the face of all Europe.

This is my opinion, given in obedience to his majesty's order communicated to me, and signed by me in Bayonne, the 29th of April, 1808.

FOUN. REVOL DE PALAFOX Y MELZI.

And in order that it may be known, I grant this certificate copy thereof, under my hand and the royal seal.

PEDRO LEBALLOR.

Bayonne, the 30th April, 1808.

At the time when don Founvisro Revolledo de Palafox y Melzi gave this opinion in Bayonne, he was brigadier general in the royal service, acting lord of the bedchamber, and master of the horse to his majesty Ferdinand VII. He is now second in command of the army of Arragon, general of horse, and one of the deputies of the kingdom of Arragon, to the central or supreme junta of Spain.

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A LETTER BY KING CHARLES IV. TO HIS SON THE PRINCE OF ASTURIAS.

My Son!

The faithless councils of the men who surround you, have brought Spain into a most distressing situation. The country now cannot be saved but by the emperor.

Since the peace of Basle, I have been always convinced, that it was the first interest of my people to preserve a good understanding with France, and I have considered no sacrifice too great to attain that object.—Even when France was the prey of temporary governments, I determined to repress my own in-

clinations, and be guided only by a regard to sound policy, and the welfare of my subjects: But when the French emperor had restored order in France, then apprehension was in a great degree removed, so that I had then new reasons for remaining faithful to my system of alliance.

When England declared war against France, I had the good fortune to remain neutral, and thereby to afford to my people the advantages of peace. England, however, soon after captured four of my frigates, and made war upon me before war was declared. Thus was I compelled to repel force by force, and the evils of war were extended to my subjects.

Spain being surrounded by coasts, and being indebted for her greatest prosperity to transmarine possessions, suffered more than any other country by the war. The interruption of trade, and all the evils connected with that state of affairs, were experienced by my subjects, some of whom were uncandid enough to throw all the blame on me and my ministers. I had, however, at least the consolation that the country was safe, and had no reason to be alarmed for the preservation of my provinces. At the same time, I was the only king of Europe who lived in this security, amidst the convulsions of these latter times; and I should still have enjoyed tranquillity, had it not been for the advice which has turned you aside from the path of duty. You have been too easily led away by the hatred which your first wife cherished against France, and you have participated in her obstinate dislike to my ministers, your mother and myself.

I resorted to the rights of a father and king, and arrested you, when I found among your papers proofs of your guilt. But at the end of my career, about to become the prey of grief, I felt for the tears of your mother, and forgave you.

Meanwhile my subjects were agitated by the false representations of a faction, at the head of which you placed yourself. From that moment the peace of my life was gone, and to the evils which had befallen my people, I had still to add that distress which the disunion of my family had occasioned. Even my ministers were slandered to the emperor of the French, who, thinking he perceived that Spain wished to depart from her alliance, and seeing the disposition to disorder even in my family, occupied, under various pretexts, my states, with his troops; but so long as they remained on the right side of the Ebro, and appeared destined to maintain a communication with Portugal, I still hoped that he would return to those feelings of respect and friendship which he had always testified towards me. When I learned that his troops advanced towards my capital, I felt it necessary to assemble my troops around me, in order to exhibit myself to my illustrious ally, in that way which became the king of Spain. Thus I expected my doubts would be removed, and my own interests adjusted. I recalled my troops from Portugal, and ordered those in Madrid to evacuate that capital, and directed them to assemble on several

points of the monarchy. This was not done for the purpose of abandoning my subjects, but, on the contrary, in order to maintain more worthily the glory of the crown. My long experience convinced me that the emperor of the French, consistently with his own interests, and the extended political system of the continent, could entertain no wish prejudicial to my house. But in the mean time, what was your conduct? You threw my whole palace into confusion. You instigated my guards to turn against me. Your father was your prisoner. My prime minister, whom I had reared and adopted into my family, was dragged bleeding from dungeon to dungeon. You have disgraced my grey hairs; you have bereft them of a crown worn with lustre by my ancestors, and which I had preserved without a stain; you have ascended my throne, and have put yourself into the hands of the people of Madrid, who are instigated by the members of your party, and of the foreign troops that have entered the city.

The conspiracy at the Escurial was accomplished, and the acts of my government were consigned to public contempt. Old, and loaded with infirmities, I could not withstand this new misfortune, and fled to the French emperor, no longer as a king at the head of his troops, and surrounded with the lustre of his throne, but as an unfortunate and abandoned prince. I have found a place of refuge and protection in the midst of his army. I am indebted to him for my life, for the life of my queen, and for that of my prime minister. I have followed you to Bayonne. You have brought affairs to such a state, that henceforth every thing must depend upon the arrangements and protection of this great prince. To have recourse to insurrections of the people, to plant the standard of faction, would be the ruin of Spain, and would reduce yourself, my kingdom, my subjects, and my family, to the greatest wretchedness. I have opened my whole heart to the emperor. He is acquainted with all the insults I have received, and the usurpation imposed upon me. He has declared to me, that he will never acknowledge you as king, and that the enemy of his father can excite no confidence in the breast of a stranger. He has besides shewn me letters, which contain proofs of your aversion from France.

Under these circumstances, it is evidently my right, and still more evidently my duty, to spare the blood of my subjects, and not at the end of my days to adopt a course which would expose Spain to fire and sword, and reduce the country to the most wretched condition. Assuredly you ought, faithful to your duty, and to the feelings of nature, to have rejected the traitorous councils given you. Had you constantly appeared by my side, ready for my defence, and had waited till the usual course of nature had raised you to the throne, then the political interests of Spain might have been brought to coincide with the interests of all. Doubtless for these six months, circumstances have been very critical; but such as they were, I should not have feared to meet them, supported by the good conduct of my sub-

jects, and even my own feeble efforts, but above all, with the moral power which I should have possessed in proposing to my ally an arrangement, calculated to reconcile the interests of my subjects and my family. In depriving me of my crown, you have broken your own in pieces; you have stripped it of all that was illustrious, of all that rendered it sacred in the eyes of men.

But your conduct towards me, and your intercepted letters, have erected a brazen wall between you and the throne of Spain. I am a king in the right of my ancestors. My abdication was a consequence of compulsion. I have, therefore, nothing to receive from you. I can consent to no meeting. I will consent to nothing that may occasion a civil war or insurrection. Every thing ought to be done for the people, but nothing by them, and to forget this principle, is to make ourselves guilty of all the consequences which its neglect occasions. I have, through my whole life, sacrificed myself for my people, and at the years at which I am arrived, I shall never do any act repugnant to their religion, their tranquillity, and their prosperity. But all my sacrifices will be forgotten, whenever I am informed that the religion of Spain, the inviolability of my provinces, and their privileges and independence are secured; I shall then lie down in my grave, forgiving you all the sorrow which in my latter years you have occasioned me.

CHARLES.

Done at Bayonne, in the Imperial palace, called The Government, May 2, 1808.

ADDRESS FROM THE COUNCIL OF LEON TO THE SPANISH NATION.

Brave and faithful Spaniards!

When we behold the great and noble resistance which is at this moment opposed by the provinces of Gallicia and Asturias, to the projects of the basest and most execrable of tyrants, it is impossible to believe but that they must be seconded by all, who like themselves, have a sovereign to avenge, sacred rights, and a country to defend. Still, should any be restrained by fear; should any fail to concur in the sentiment which calls them to arms against an unprincipled oppressor, it will sufficiently determine them if we recall to their memory what Spain owes to the virtues, to the courage, to the heroism of Pelage, to the valor and patriotism of Roderique Diare de Bivar.

These two great men, one from the province of Asturias, the other from that of Castile, were called forth at different epochas, but both equally difficult, each to preserve our country from a foreign yoke. To their characters, and to their sentiments of enthusiasm, which they excited in every breast, does Spain owe the glory and the happiness which she has so long enjoyed.

Should the government of Asturias discover that any part of the inhabitants take up arms coldly or indifferently in the defence of the country, let it address to them those sentiments which the immortal Pelage addressed to the citizens, to his brave companions in arms, when a formidable and cruel enemy

wished to subjugate them to his power :—

"It is no longer time to deliberate," said this virtuous and courageous Spaniard, under circumstances nearly resembling the present; "the nature of our cause, the situation of our affairs, and those of the enemy, require promptitude and activity, and that we should not waste our time in useless deliberation. We arm to re-establish our altars, our religion, our glory, the liberty of our children, of our friends, of our country! to place in safety the honor and chastity of our wives; to rid ourselves of the yoke of a conqueror base as he is cruel, who has covered himself with our spoils, and under whose dread dominion our lives could not boast the security of a moment. If ever opportunity occurred to tempt a most glorious enterprise, this is the moment—this moment in which we are assembled, united, bound together by a chain of interest, which equally concerns all! Inhabitants of the mountains, and ye of the vallies! hear our determination, to arm, and join yourselves to us. Those, even whom the love of tranquillity hath hitherto deceived, and still retained among the Moors, I now behold ready to break their fetters, and join those who hasten to accomplish the great purpose of their struggle. The Moors, in short, are occupied with great projects; but for us, necessity should put an end to indecision; we have taken the first step; there is no longer time to retreat; already they march against us; while we hesitate to place ourselves in a disposition to drive the enemy from our mountains, we shall be surrounded, we shall have no escape, and we are too great in number to subsist upon the stinted produce of bare and sterile rocks. Come on, then! God, whose cause we support against the enemies of his name, will fight for us while we fight for him, and the hand which has punished us because we have forgotten him, will fortify our arms in a war undertaken for the honor of his glory? Let us put our confidence in the invincible strength of the Almighty! I will lead you to battle; I will ever be the first, and require of you nothing but that of which I will set you an example."

This harangue, so suitable to the occasion, produced then the same effect as it will produce today. At the voice of Pelage, all the Asturians took up arms, each of them performed prodigies of valour; Gantabria and Gallicia severally sent deputies, praying to be admitted into the confederation of Asturias; they were received, their means united, and the Moors were conquered.

Three hundred and thirty-nine years afterwards, Spain had another defender. This was Roderique Diare de Bivar, a fierce and noble Castilian of the city of Burgos. This virtuous citizen and gallant warrior, burning with desire to secure the liberty of his country, did not hesitate to remonstrate with animation, in a council of state where the king of Castile himself presided. He said he was ashamed to deliberate upon the pretensions of the emperor Henry II. that the independence of Spain was established above all title! that base Spani-

ards alone could admit of its being compromised; that it should be upheld even at the expence of life, and that he would declare himself the enemy of that man who should advise the king to tarnish its lustre!

If the prince of peace, instead of betraying his sovereign and his country, had the foresight, the loyalty, or the energies of the two great men we have just cited, the pretensions of Bonaparte, like those of Henry, would have been received with indignation. As the Moors were under Philip, so the French would have been expelled, and Spain would have been saved. What has not hitherto been done, may yet be atchieved; but for that purpose, there must be unanimity among principals, and a re-union wisely combined, of all our forces and of all our means.

Without this concurrence to retain our country's welfare, without the most resolute courage to drive from her bosom a cruel and perfidious enemy, like an enslaved people, we shall lose our fleet, our arsenals; our army will be disbanded or sent into Germany, our militia disarmed, our clergy despoiled and destroyed, our churches pillaged, our altars profaned, the land of our grandees confiscated, our possessions beyond the seas no longer belonging to our capital; the kingdom drained by enormous contributions; Spain, in short, happy and free under her kings, will be reduced to the most frightful slavery.

To avoid calamities so dreadful, one only resource remains to us. It is to rally round the standard which the provinces of Gallicia and Asturias have raised, in defence of religion, of justice, and of honor. Children of our country! we will be worthy of ourselves! let us perpetuate the glory with which our ancestors are covered; great, like them, let us think no sacrifice too much, when we have our liberties to preserve, the massacre of our parents, or our friends, to revenge, our wives and children to defend. If, to the shame of the Spanish nation, there have been found men, such enemies to themselves and to their country, as to hasten to the feet of the tyrant, and prostitute before him their existence and their rights, let us, nevertheless, hope, that the chiefs of the Spanish league will not, like Pelage, have to guard against designs such as those of the archbishop of Seville, who was base enough to betray his faith, his God, his king, and his country. Let us endeavor to believe that the great and laudable example which the bishops of Oviédo and Compostella have afforded, shall be followed, not only by all those in the kingdom, but likewise by every member of the respectable clergy, secular and regular, who, alike interested as the ministers of religion and good citizens, to punish crime, to accelerate the triumph of virtue, and to preserve Spain from the disgrace and oppression of a foreign yoke!

Signed by the members of the council at Leon.

May 17, 1808.

ADDRESS TO THE PEOPLE OF MADRID.

People of Madrid—Seville has learned with consternation and

surprise your dreadful catastrophe of the 2d of May; the weakness of a government, which did nothing in your favor; which ordered arms to be directed against you, and your heroic sacrifices. Blessed be ye, and your memory shall shine immortal in the annals of our nation!

She has seen with horror, that the author of all your misfortunes, and of ours, has published a proclamation, in which he distorted every fact, and pretended, that you gave the first provocations, while it was he who provoked you. The government was weak enough to sanction and order that proclamation to be circulated, and saw, with perfect composure, numbers of you put to death, for a pretended violation of laws which did not exist.—The French were told in that proclamation, *that French blood, profusely shed, was crying out for vengeance!* And the Spanish blood, does it not cry out for vengeance? That Spanish blood shed by an army which hesitated not to attack a disarmed and defenceless people, living under their laws and their king, and against whom cruelties were committed which shake the human frame with horror. We, all Spain, exclaim—*The Spanish blood shed in Madrid cries aloud for vengeance!*

Comfort yourselves, we are your brethren; we will fight like you, until we perish in defending our king and country. Assist us with your good wishes, and your continual prayers offered up to the most high, whom we adore, and who cannot forsake us, because he never forsakes a just cause. Should any favorable opportunity offer, exert yourselves as valiant Spaniards, to shake off the ignominious yoke imposed on you with the slaughter of so many of your innocent fellow citizens, and with a perfidy horrid beyond example.

DON JUAN BARTISTA ESTELLER,
1st secretary.
DON JUAN PARDO,
2d secretary.
Seville, the 20th May, 1808.

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THE PROVINCE OF VALLADOLID TO ALL THE PROVINCES OF SPAIN.

Noble Castillians!

The common foe of mankind was the traitor who tore from our bosom our amiable Ferdinand VII. and the whole royal family. He carries his audacity the length of holding out to us offers of happiness and peace, while he is laying waste our country, pulling down our churches, and slaughtering our brethren. His pride, cherished by a set of villains who are constantly anxious to offer incense on his shrine, and tolerated by numberless victims, who pine in his chains, have caused him to conceive the fantastical idea of proclaiming himself lord and ruler of the whole world. There is no atrocity which he does not commit to attain that end. The respectable name of the great emperor of Russia; the political dissimulation of the German emperor; the timorous condescension of the holy father of the church; the opinion of true Frenchmen, exposed more than others to the severity of their iron sceptre; in short, the most sacred laws of humanity, have

been trampled under foot with the utmost contempt, to pronounce the detestable sentence of the extirpation of the house of Bourbon. Shall all these outrages, all these iniquities, remain unpunished, while Spaniards, and Castillian Spaniards, yet exist? No, it cannot be. Your minds, glowing with generous ardor for your religion and your country, have resolved to renew the heroic scenes in which Castillian valor shone with immortal lustre, saved the country, and consolidated our religion. The stratagems which hitherto secured victories to the tyrant, vanished the moment when Europe saw with her own eyes the artful snares and devices by which he seduced the unwary, until he had bent their neck under his yoke. Let us shed the last drop to resist that dominion. Let us all become gallant soldiers, full of discipline and subordination. Let us breathe but obedience and respect for the great men by whom we are governed, one of the best generals of Spain, his excellency don Gregorio de la Cuerta. To arms, Castillians, to arms! Let us die for our country, our religion, and our king!

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PROCLAMATION OF THE COUNCIL GENERAL OF ASTURIA.

Loyal Asturians! Beloved countrymen!—Your first wishes are already fulfilled. The principality, discharging those duties which are most sacred to men, has already formally declared war against France. You may perhaps dread this vigorous resolution. But what other measures should we or ought we to adopt? Shall there be found one single man among us, who prefers the vile and ignominious death of slaves to the glory of dying on the field of honor, with arms in his hand, defending his unfortunate monarch, our homes, our wives and our children? In the very moment, when these bands of banditti were receiving the kindest offices and favors from the inhabitants of our capital, they murdered in cool blood upwards of 2000 people, for no other reason than their having defended their insulted brethren. What could be expected from them had we submitted to their domination? Their perfidious conduct towards our king and the whole of his family, whom they deceived and decoyed into France, under the promise of an eternal armistice, in order to chain them all, has no precedent in history. Their conduct towards the whole nation is more iniquitous than we had the right to expect from a horde of Hottentots. They have profaned our temples; they have insulted our religion; they have assailed our wives; in fine, they have broken all their promises, and there exists no right which they have not violated. To arms, Asturians, to arms! let us not forget that Asturias at the time of another invasion, which undoubtedly was less unjust, restored the monarchy. Let us aspire to the same glory on the present occasion. Let us recollect, that no foreign nation could ever lord it over us, whatever exertion it may have made for that purpose. Let us offer up our prayers to the God of hosts. Let us implore the intercession of our lady of

battles, whose image is worshipped in the most ancient temple of Covadonga, and perfectly sure that she cannot forsake us in so just a cause, let us rush upon our detestable enemy and annihilate and drive out of our peninsula, a people so base and treacherous. This demand is addressed to you, in the name of your representatives, by the procurator general of the principality.

ALVAREZ FLOREZ ESTATDA.

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TO THE BISCAYANS.

Brave Biscayans and comrades! —Your wish is already fulfilled; the mine, which lay deep in your bosom, and ours, is sprung.— The time is arrived, when we are called upon to make a noble sacrifice for our holy religion, our good laws and customs; and what object is more worthy of such a sacrifice than their preservation. Since last night, the whole of this town is in arms, to avenge the provocations and insults we have received from the French. Nothing was capable to check the ardor of our people, especially since they knew that you entertained the same sentiments with them. Yes, their ardor, their fervent courage, must be regulated by order, intelligence and prudence, that it may produce the result at which we all aspire. Above all things, it is absolutely necessary that we should act in concert, and meet for that purpose, by proper deputation. A council has already been formed in this place, furnished with all the necessary powers, and composed of us the undersigned. If, in imitation of the meetings which took place in this country in '95, the deputies of the different districts meet without the least delay, the means of our common defence will soon be organized. We will mutually instruct and assist each other, according to the means and local circumstances of each district. Let for this purpose exact returns immediately be made of all, who can take up arms from the age of seventeen to forty-five, and somewhat more, where bodily strength and vigor permit. Let also instantly a return be made of all arms fit for service, which are found in the different districts. Let us be immediately trained to arms by military men, retired from service, who are scattered over our provinces, and let us at least devote two hours a day to military exercise. The general principles, which move us to think and act as we do, you will with pleasure find elucidated in another paper, which for that purpose shall be circulated among you. God preserve you many years.

Santandero, May 27, 1808.

R. Tho. bp. of Santandero, D. A Gutierez de Celias, D. Jose de Miranda, D. Francisco de la Torre, count de Campo Giro, D. Juan de Trueba, D. Geranimo de Argos, D. Jose Maria de la Torre, D. Jose de Quijano, D. Jac. Antonio de Losada, D. Vincente de Camino, D. J. M. Fernandez Velarde, D. Joaquin Perez de Cosio, D. Francisco de la Predraja, D. J. Nepomuceno Munoz.

By command of the illustrious council,

D. LUIS DEL CAMPO, sec'ry.

ADDRESS TO THE FRENCH.

Frenchmen!—You possess no longer either laws or liberty, nor any good whatever; with streams of bloodshed by yourselves and your children, you have been compelled to enslave Europe. A family, not French, reigns over you and several European nations, without the least benefit to France, or any other people. Spain, your constant ally, has contributed you know, by a variety of means, to your triumphs; and yet she has been despoiled of her laws, her monarch, and her greatness; her very religion is threatened: and all this has hitherto been atchieved, not by gallantry and valour, but by treachery and fraud, in which you are forced to co-operate; your valiant arms are defiled; you are made to assist in deeds of infamy, inconsistent with your generous character and with the name of the great nation, which you have acquired.

Frenchmen, the Spanish nation, your ally and generous friend, invites you to withdraw from banners, which are destined to enslave all nations, and to enlist under ours, which are raised for the best of causes, to defend our laws and our king, whereof we have been robbed, not by force of arms, but by fraud, treachery, and ingratitude of the deepest dye. We all will die, and you should die with us, to wipe off the stain which will otherwise indelibly disgrace your nation. The Spaniards tender you the just reward for such an action; with open arms will they receive you, and fight by your side; and when the war shall be terminated with that success, which they have every reason to expect, land shall be given you, which you may cultivate unmolested, and pass your remaining days amidst a nation, which loves and respects you, and where impartial justice shall incorruptibly protect all your fair enjoyments.

Italians, Germans of all the provinces of that great nation, Polanders, Swiss, and ye all who compose the armies called French, will you fight for him, who oppressed and despoiled you of what you held most sacred? For him, who has dragged you from your families and homes, robbed you of your property, your wives, your children, your native country, which he has enslaved? And will you fight against a nation, generous like the Spanish, from whom you experienced the kindest reception, which loves you with the tenderest attachment, and which at the zenith of its glory and dominion respected your rights, because it looks upon all men as brethren. Will you fight against a nation, which is intended to subdue and enslave, not by dint of arms, as brave men would do, but under the cloak of alliance and friendship, by fraudulent treachery, detestable and horrid beyond any precedent in history, even among barbarous nations. We hope you will not. Come to us, and you shall meet with valor, generosity, and true honor. We tender the same rewards to you as the French, and we trust, you and your posterity will enjoy them in happiness and peace.

DON JUAN BAUTISTA ESTELLER,
First secretary.

DON JUAN BAUTISTA DE PEDRO,
Second secretary.

Seville, May 29, 1808.

TO THE PORTUGUESE.

Your fate has been perhaps more severe than has been suffered by any people on earth.

Your kings forced to fly from you, and the same which has happened to Spain is an irrefragable proof of the absolute necessity under which they (the kings) did it. You have been ordered not to defend yourselves, and you have not defended. Junot offered to make you happy, and your happiness has been, to be treated with more cruelty than the most ferocious conquerors have used people whom they have subdued by force of arms, and after a most obstinate resistance.

You have been deprived of your kings, your lands, usages, customs, goods, liberty, of life itself, and of that holy religion which your enemies have never respected, but which according to their custom, they have promised to protect, and have even feigned to practice themselves. Your nobility has been annihilated, your goods have been confiscated, as a punishment for your fidelity and loyalty.

You have been dragged vilely to foreign regions, and you have been forced to become prostrate at the feet of that which has caused you so many evils, which by the most terrible perfidy has usurped your empire, and rules you with an iron sceptre. Already your troops have passed your borders, and go chained to die in defence of that which has oppressed you, of that which follows a spirit profoundly wicked to destroy those which ought to be your strength, and make them serve with their lives, to their triumphs, and to that ferocious glory to which they aspire. Spain has been, between grief and desperation, your servitude, and all the horrible evils which have followed it. Ye are her brothers, and pant to fly to our succour. But some chiefs, a government, either weak or corrupted, has arrested it, and prepared the means by which the ruin of our king, of our laws, our independence, our liberty, our lives, the same holy religion which unites us, that all should accompany your own destruction; and by which that barbarous people might accomplish a triumph, and the slavery of the rest of Europe. Our loyalty, our generosity, our justice, could not suffer a wickedness so atrocious; they have broken the restraint. Let us go to fight. We have armies, and chiefs, and there is but one cry throughout Spain—*To die all in defence of the country; but also to make those vile enemies to fall with us.*

Come then, generous Portuguese, to unite yourselves to Spain, to die for the country. Its standards expect you, and will receive you with gladness, as brothers infamously oppressed. The cause of Portugal and of Spain is the same. Do not fear our troops—their desires are the same as your own—and with their arms and forces you may reckon upon security.

With yourselves you have an object for your vengeance. Do not obey the authors of your calamities; attack them. They are a handful of dismayed wretches, and already vanquished by the very perfidies and cruelties which they have committed, and

in the eyes of Europe, and of the whole world, they are covered with disgrace.

Rise in a mass!—Avoid to stain your generous hands with any crime; but go to fight against it, and destroy it. Our forces re-united will put an end to this perfidious enemy, and Portugal, Spain, all Europe, again will breathe; or will die free, and as men.

Portuguese! your country is not lost, unless that it has been only delayed.—Unite, and fly 'to re-establish and to save it!'

Seville, 30*th May*, 1808.

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TO THE PEOPLE OF ARRAGON.

Providence has preserved in Arragon an immense quantity of muskets, ammunition, and artillery, which have not been treacherously sold, or delivered to the enemies of our repose. Your patriotism, your loyalty, and your attachment to the good customs which you have inherited from our ancestors, induced you to shake off the disgraceful yoke, which was prepared for us by sedition, and by the false promises of the French government, which regulating F——'s conduct by the most abominable Machiavelism, merely endeavored to deceive us and all Spain, in order to cover with shame and disgrace the most generous nation upon earth.

You have placed implicit confidence in me, and this honor which you have bestowed on me undeservedly, obliges me to tear the veil off the most detestable iniquity and injustice. My life, which can only be of any value to me, as far as it can promote your happiness, and the prosperity of my beloved country, is the smallest sacrifice I can make in return for the many proofs of confidence and love with which you have honored me. Do not doubt it, Arragonians; my mind is not able to harbor crimes, nor to associate with those who cherish and protect them. Some of the depositaries of the confidence of the Spanish nation, they who hold the supreme power in their hands, are the first to work your ruin by every means which malice can suggest, and to form traitorous connections with the enemies of our country. Thirst of gold, and the mistaken idea which they have perhaps conceived, to defile our destinies by their iniquitous proceedings, makes them view with indifference the destruction of their country. Although I have strong grounds to believe it, yet I shall forbear to mention names, lest I should render grief still more poignant. At this time, being acquainted with your determination, that of your neighbors, the inhabitants of Valentia, and all the provinces of Spain, where the same sentiments are entertained, some of their leaders have perhaps changed their determination, embraced the cause of justice, and endeavored to shake off the yoke, which they tried to impose on us, by means the most iniquitous and base. Should I be mistaken in the opinion, time will discover the truth. Fear not, Arragonians: let us defend the most just of causes, and we shall be invincible. The enemy's troops now in Spain are not able

to withstand our efforts. Woe betide them, should they ever dare to repeat in any other Spanish town, what they did in Madrid on the 2d May, sacrifice without pity, and calling those seditious and assassins, of whom they had but very lately received honors and favors which they did not deserve. Bayonne has witnessed, and will remember the acts of violence, which, after a long series of treacheries and frauds, have been committed; acts of violence which clearly appear by the striking contradictions found in the papers published, where Charles IV. is charged with having conspired with a minister, who is afterwards appointed a member of the council of government; where the king, his son, who was never married but once, is questioned about his first wife. In consequence thereof, it is my duty to declare, and I accordingly do hereby declare what follows:—

1. That the French emperor, all the individuals of his family, and every French general and officer, shall be personally responsible for the safety of the king, and his brother and uncle.

2. That, in case any violence should be attempted against lives so valuable, in order that Spain may not be without a king, the nation will make use of their elective right in favor of the archduke Charles, as nephew of Charles III. in case that the prince of Sicily, or the infant don Pedro, and the other heirs, should not be able to concur.

3. That should the French army commit any robberies, devastation, and murders, either in Madrid, or any other town invaded by the French troops, they shall be considered as guilty of high treason, and no quarter shall be given to any of them.

4. That all the transactions which have hitherto taken place, shall be considered as illegal, void, and extorted by violence, which is known to be practised in both places.

5. That what may hereafter be done in Bayonne, shall also be considered as null and void; and all who shall take an active part in the like transactions, shall be deemed traitors to their country.

6. That all deserters of the French army who shall present themselves, shall be admitted in Arragon, and treated with that generosity which forms a prominent feature of the Spanish national character; they shall be disarmed and conducted to this capital, where they may enlist in our troops.

7. All other provinces and kingdoms of Spain, not yet invaded by the enemy, are invited to meet by deputies at Ternal, or any other suitable place, to nominate a lieutenant-general, whose orders shall be obeyed by the particular chiefs of the different kingdoms.

8. The foregoing manifesto shall be printed and published in the whole kingdom of Arragon, and it shall also be circulated in the capitals and principal places of all the provinces and kingdoms of Spain.

Given in the head quarters at Saragossa, the 31st May, 1808.

PALAFOX,
Governor and captain-general of the kingdom of Arragon.

PROCLAMATION OF THE KINGDOM OF GALLICIA AND THE GENERAL COUNCIL OF GOVERNMENT.

Brave Spaniards!—The abdication of his kingdom by our sovereign Ferdinand VII. officially communicated to us, is the most striking proof of the violence he suffers. He thereby manifests to us his want of liberty and power, and the grief he feels on being compelled, by despotism and tyranny, to separate himself from his subjects; he implicitly demands our assistance. It is intended to substitute in his place a haughty and perfidious conqueror, who meditates the effusion of our blood, to satiate his sanguinary appetite and his boundless ambition, as he has hitherto profusely shed the blood of the noble, brave, and loyal French nation. He means to drag, by main force, the most illustrious Spanish youths, whither the good father of our monarch has already sent a part of them, without any other object than to aggrandize a man, for whom the world does not appear to be sufficiently extensive, and who gluts on human blood. The reward of that generous act has been a perfidious conduct, unprecedented in the annals of civilized nations. The stratagems, the frauds, the treacheries, are notorious, which Napoleon has employed, to introduce, in the quality *of an intimate ally and faithful friend*, his troops to our very capital, and make himself master of the fortresses of our frontiers; to harass the feelings of our monarch; to cause disturbances among the people; to rob us of our king, princes, and infanta, and to control with an iron hand the deliberations of our government, which, without liberty, gives orders which it abhors, ruled as they are by a foreign regent and intruder. This scandalous conduct, and that which he has committed towards Etruria, and our neighbors the Portuguese, point out the degree of fidelity and faith which we may expect from the high sounding promises with which he means to cloak his malignant designs, treating us as a people at once insensible and dastardly.

Shall a cultivated, brave, and generous nation, bend its neck under the yoke of perfidy? Shall it allow itself to be insulted by injuries, the most perfidious, immoral, and disgraceful, committed in the face of the whole world, and submit to the most humiliating slavery prepared for it? No, noble Gallicians, such are not the dictates of your noble minds. Glowing with the most virtuous ardor and noblest enthusiasm, you have already expressed your sentiments, worthy of the praise and imitation of all Spaniards. You rather wish to die, than to see your independence trampled under foot, your religion destroyed, your king in captivity, and your country threatened with a yoke equally burthensome and unjust. Quicken the generous sentiments of your noble minds. Fly to arms, not like that monster, to indulge an inordinate ambition; not like him to violate the rights of humanity and the laws of nations; not to render us odious to mankind; not to offend a generous and friendly nation, ruled by a monster already become insufferable upon earth.

Fly to arms and assist your countrymen; to rescue your king from captivity; to restore to our government, liberty, energy and vigor; to preserve your lives and those of your children; to maintain the uncontrolled right of enjoying and disposing of your property; to assert the independence of your native soil; and, above all, to defend your sacred religion. Employ the arms which she tenders; arm your minds with the fear of God; implore the aid of the immaculate conception, and of the glorious apostle St. Jacob, our patron; and confident of success in so glorious a cause, rush forth to grasp the victory which is prepared for you by their intercession, and the justice of your cause.

And ye, corporations and private individuals, who, from your circumstances, cannot take up arms, assist your brethren with your property and fortunes. You are concerned more than any other subject in this demand; sacrifice spontaneously part of your property, that you may not be deprived of the whole by violence. Do not delay that sacrifice a moment, if you wish that by the prompt execution of a well combined plan, the fury of an enemy be checked, who is accustomed at all times to act with the rapidity of lightning. Divest yourselves of all private views, and hesitate not; for otherwise you yourselves, your wives, children and families, will become the victims of the most inveterate revenge.

DON MANUEL ACHA, sec.

Corunna, 4th June, 1808.

The council general of the principalities, must not lose a moment to publish the following letter, which has just been received from their king, Ferdinand VII. its authenticity has been ascertained by one of the members of the council, who possesses the most unquestionable knowledge thereof. On the first cover is the superscription—"*To the royal assemblage of Oviedo.*" The second is superscribed—"*To the chief of arms of Asturias.*"

Noble Asturians!—I am surrounded on all sides, and a victim of perfidy. You saved Spain under worse circumstances than the present. Being now a prisoner, I demand not from you a crown, but I require, that concerting a well digested plan with the neighboring provinces, you do assert your liberty, and not submit to a foreign yoke, nor subject yourselves to the treacherous enemy, who despoils of his right your unfortunate

PRINCE FERDINAND.

Bayonne, May 1, 1808.

To expressions so energetic and expressive, the council ought not to add any observation—but with the most poignant grief they mingle their tears with those of all their beloved and faithful countrymen, to whom the letter is communicated.

JUAN DE ARGUEKER TORIAL, Act. sec.

Oviedo, May 26, 1808.

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DECLARATION OF WAR AGAINST THE EMPEROR NAPOLEON.

Ferdinand VII. king of Spain and the Indies, in his own name and in the name of the supreme assembly of both.

France, or rather the emperor Napoleon, having violated the most sacred compacts with Spain, having taken away by force the royal family, having compelled them publicly and with violence to resign and abdicate their sovereignty, which is manifestly null, void, and without effect; having forced with the same oppression the sovereignty of Spain to be given to him, which no person could have power to do; having declared it to be his will to elect the king of Spain, (the most horrible transgression which history can speak of) having entered Spain with his armies, which have taken possession of its fortifications and cities, then unprepared; having perpetrated on the Spaniards all kinds of murders, plunders, and abominable cruelties; having not only recourse to the force of arms, but also under a pretence of adding to our felicity, having repaid with monstrous ingratitude the services which the Spanish nation had rendered him, and also repaid our friendship with deceit, treason, and the most horrible perfidy which a nation had ever been guilty of towards another nation or sovereign, for the truth of which I appeal to the whole world; having finally declared that his intention is to overthrow the monarchy, its fundamental laws, and threatens the ruin of our Catholic religion, which we have sworn to maintain; having thus forced us, as the only remedy for so many evils, to declare war against him, which we publicly do in the face of all Europe.

We therefore declare in the name of our king Ferdinand VII. and of the whole Spanish nation, war by sea and land against the emperor Napoleon, and France, so long as she shall be under his domination and tyrannical subjection. We order all the Spaniards to act towards them with hostility; and do them all evil and prejudice according to the laws of war, detain all French vessels in our ports, all the property, claims and rights, which they have in any part whatsoever of Spain belonging to that government, or any individual whatever of that nation. We also order in the same manner not to detain or molest the vessels, property, and rights of the British nation, nor of any of its subjects whatever; because we declare that we have obtained an open and free communication with England, and have concluded with her an armistice, which we hope will end in a solid and lasting peace.

We protest further that we will not relinquish our arms, until the emperor Napoleon restores to Spain our king Ferdinand VII. and royal family, their liberty, integrity, and independence; and afterwards respect the sacred rights of the nation, which he has wantonly violated. We order, for the better promulgation of this solemn declaration, that it be printed, sent, and posted up in all the provinces, cities, and possessions in America; and also that it be publicly known by the same way to all Europe, Asia, and Africa. Given in the royal palace of Alcazar, in Seville, the 6th June, 1808, by disposition of the supreme assembly of government.

JUAN BAUTISTA PARDO, sec'y.
MANUEL MARIA AGUILAR, sec'ry.

ANSWER RETURNED TO THE COUNCIL OF GOVERNMENT BY THE MOST ILLUSTRIOUS BISHOP ORENSE, DON PEDRO QUEVEDO Y. QUINTANO, ON THE SUBJECT OF HIS HAVING BEEN APPOINTED A DEPUTY TO THE MEETING OF COUNCIL IN BAYONNE.

Most excellent sir—A collector of taxes of Corunna delivered to me, on Wednesday the 25th inst. in the afternoon, your excellency's letter, dated the 19th, by which I have perceived, among other things, that I am appointed to be present at the meeting, which is to be held at Bayonne, in order to concert, as far as possible, means of securing the liberty of the realm, agreeably to the wishes of the great emperor of the French, who feels anxious to raise it to the highest degree of prosperity and glory.

Although my measures and information are but scanty, yet in the most anxious desire to promote the true happiness and glory of the nation, I ought not to yield to any person whomsoever, and I would not omit any thing which would appear to me practicable and conducive to that end. But my advanced age of seventy-three, a fit of illness, and habitual infirmities, prevent me from undertaking so long a journey in so short a time; which is not sufficient to perform it, and much less to acquire the intelligence and information which are requisite to fulfil the duty attached to the above appointment. I, therefore, think myself obliged to decline that charge, as I hereby do, entertaining no doubt but that his serene highness the duke of Berg, and the supreme council of government, will deem my prayer to admit my excuse and exonerate me from that office, just and necessary.

At the same time I take leave, with regard to the welfare of the nation, and with respect to the views of the emperor and king, who intends to become, as it were, the angel of peace, protector and tutelar divinity of our country, and who has so many times evinced the lively interest he takes in augmenting the power, wealth, and felicity of our nation and sovereign, his allies, to represent and observe to the supreme council of government, and through it to the emperor of France and king of Italy himself, what I should say and declare at the meeting at Bayonne, if it were in my power to be present, before I would enter upon the discussion of the object for which it seems to be convened.

It is intended to cure evils, to repair losses, and to improve the fate of the monarchy and nation; but on what principle and foundation is this intention to be done? Have the means or remedies stood the test of experience?—Rectitude of his mind, free from ambition, and abhorring a crafty and artful policy. And I still hope, that being perfectly satisfied, that the prosperity of Spain cannot be secured by enslaving her, he will not apply himself to chain her down in order to perform her cure, because she is neither insane nor mad. Let first a lawful authority be established,

and afterwards her cure be taken in hand, &c. &c.

PEDRO, bishop of Orense.

Orense, 29th May, 1808.

To his excellency don Sebastian.

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THE KINGDOM OF GALLICIA.

Gallicians—You have bewailed the fate of your amiable Ferdinand; the horror of the perfidy by which he has succeeded still burns in your bosoms. You fear danger to our holy religion; you look upon our exterior worship as annihilated, upon our altars profaned, and the temples of the eternal and sole omnipotent converted into places of desolation by order of the tyrant, who arrogates to himself the title of arbiter of destinies, because he has succeeded in oppressing the noble French nation, without recollecting that he himself is mortal, and that he only holds the power delegated to him for our chastisement. You turned your eyes towards the municipal authorities, and you even insulted them; because they did not animate the flame of your indignation against the enemy. The time is come; your kingdom has assembled in cortes, and re-assumed the sovereign authority, which under such circumstances devolves upon it by right, and of which its first exercise is in complying with your wishes so loudly declared; you have already a leader, and the most vigorous dispositions are taking; fly, therefore, to arms! and let us march to defend the cause of God, the honor of our country, our lives and our fortunes! Will you be insensible to the voice of the nation, and will you only be found valiant in the streets of your cities? Now, that twenty thousand brave soldiers have taken up your cause for theirs, will you refuse to unite with their generous battalions? Will you hesitate to embody yourselves with these masters of the military art? Do you imagine, forsooth, that your courage without discipline can be useful? Such ideas avaunt! receive in your arms these heroes who are going to marshal your strength, and only from the common name of Spaniards, even without being Gallicians, feel a deep interest in your cause. They should obey their sovereign and legitimate authority. Let discord fly from us; we are brothers, and going to sacrifice ourselves for the same sacred cause.

Gallicians! enrol yourselves from 16 to 40 years of age. It is better to die in defence of your religion and fire-sides, and in your own country, than to be led bound to slaughter in order to satisfy an inordinate ambition. The French conscription comprises you. If you do not serve your kingdom, you will go and die in the north. We lose nothing. For even should we be unsuccessful, we shall have freed ourselves by a glorious death from the galling chains of a foreign yoke. But there is no reason to fear this peril. Death has alarms only for poltroons; and God, for whose cause we are going to fight, will watch over us, because in the end, every mortal has a determined measure, and we ought to trust in his mercy, that when his wrath, (which we so much deserve) is appeased, he will pro-

tect us. The standard of your holy patron, Saint James, is now unfurled; let us follow it.

Gallicians—the Asturians and Alouese have 80,000 men enlisted, and already 20,000 under arms; let us go and relieve our brethren, these intrepid men. We shall thus save our country from becoming the theatre of war. This kingdom, which has assembled through your instance, expect it from you; this kingdom will reward those who distinguish themselves, with every thing in its power, and at the conclusion of the war, it will immediately give you your discharge, and enable you to enjoy the fruits of victory under the shade of the laurels you will have won, and consign to your children at your ease the example of your glorious deeds.

DOMINGO VALADO DE PARGA,
Secretary.

Corunna, June 5, 1808.

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PROCLAMATION.

Ferdinand VII. king of Spain and the Indies, and in his name, the supreme board of government of both empires.

The defence of our king and country, and the happiness of the nation, have been, are, and shall ever be the only aim of this supreme board; for attaining which it has used its utmost endeavors, and is unremittingly exerting itself, without minding either trouble or danger. In order, therefore, to provide at once for the one and the other, it enacts, and orders as follows:

I. The enlisting, which is to take place agreeably to a former proclamation, shall include all male individuals from 16 to 44 years of age; but shall be divided into three classes; 1st, of volunteers; 2d, of batchelors, and married men, or widowers without children; and the 3d, of married men and widowers with children; and of the individuals who have gone into the four lesser orders, or necessary attendants in churches.

II. That the volunteers shall immediately begin to move, and march wherever they may be ordered by the supreme board, or by their respective boards, or town councils, in compliance with the dispositions of the supreme board, that, upon their reaching the place of their destination, they shall be incorporated into the old regiments, or formed into separate ones, by order of the respective military commanders, who are to bear the disposition in mind; and that these volunteers, either incorporated or formed in new corps, shall act in every respect like the old corps.

III. That upon the second call, the second class shall come forward, namely, the batchelors, and married men or widowers without children; and that, when at the place of their destination, they shall either be incorporated into the old regiments, or formed into separate ones, after which they shall be held, and shall in every respect act like the old corps.

IV. That upon the third call which is to take place, only in cases of such extreme necessity, as shall require us all to sacrifice ourselves for the defence of our country, the third class shall

come forward, namely, the married men or widowers with children, those who have gone into the four lesser orders, and such servants of churches as are not indispensably necessary for the public worship; and that, upon arriving at the place of destination, they shall be incorporated, or formed into new corps, and shall act like the old ones, as is above ordered for the first and second classes.

V. That the volunteers of the first class cannot plead exemption; that such as shall be pleaded by individuals of the second and third class, shall be heard, and briefly and summarily decided upon by the respective boards of the town councils, and in the capital by the supreme board, without any judiciary forms or costs; and that whenever they shall have declared that the exception is not to be admitted, their decision shall be unavoidably received by every individual, preserving the right of appealing to this supreme board, which shall pass its decision according to impartial justice; it being understood, that such complaints should be preferred only in serious cases, and for obvious exceptions, and never for frivolous or imaginary ones, the defence of the country, which is in danger, so requiring.

VI. That, as nothing ought to prevent the full display of men's zeal for the defence of their country, any one that has received the four lesser orders, or any individual of any class whatever or any man upwards of 45 years old, that may chuse to enlist as a volunteer, shall by all means be admitted, and come forward upon the first call, or join those who have presented themselves in compliance with the same.

VII. This supreme court cannot lose sight of the gathering of the harvest, so absolutely requisite for the maintenance and happiness of the people, particularly as God has been pleased, this year, to bless us with a most abundant crop; and therefore orders all the individuals of the 2d and 3d classes to exert themselves, personally, and to their utmost, in getting it in, without pleading either rank or fortune, or any other reason, as an exemption, such as are upwards of 44 years old, being thus included. Those who shall comply with this disposition, shall be held and declared to have deserved well of their country;—and this supreme board expects, from the generosity which characterises all Spaniards, that instead of availing themselves of the distress of the country to raise their daily wages to an extravagant rate, they will display upon this subject the heroic moderation which the country and public happiness require.

VIII. In many parts of the kingdom, the women are to cut down the corn, and to perform several other works in the fields; and in all, most of them can follow that example: this supreme board, consequently, advises and orders them to do it under the circumstances in which we are placed; and it will consider and proclaim such exertion on the part of those who comply, as a most essential service done to the country. All the members of the secular and regular clergy can employ themselves in the same manner, thus evincing

their love for the king, their loyalty, and the lively interest they take in the public welfare; and their heroic example will lay the people, and the individuals of every class, under the necessity of imitating them.

IX. Such women as are prevented, by their advanced years, a weak constitution, or other motives, from rendering themselves useful in the above manner, shall employ themselves, in making lint, and bandages, or other things for the service of hospitals; and, when made, shall deliver them to their respective boards or town councils. The latter shall send them, with all possible speed, to the superintendants of our armies in this capital; draw up returns of the individuals who shall have done those services, and others which have been called for; and forward them to this supreme board, which shall afterwards print and publish them, that it may come to the knowledge of all, and that every one may receive the tribute of praise and reward, to which his love for his country shall have entitled him.

X. We are going to fight for the defence of our country and religion, and by our actions we are to manifest, that we are indeed Spaniards and Christians. This board, therefore, directs the armies, the inhabitants of towns, and individuals of all classes, to reform their manners, to lead a regular life, and, by the practice of every virtue and continual prayer, to endeavor to appease the just wrath of the Almighty. But, above all, they charge and entreat them, for the sake of our Lord Jesus Christ, to avoid all mutinies, and dissentions: and that, rising above self interest, they closely unite, and wholly devote themselves to the defence of the king; by which means, this supreme board hopes, and indeed is convinced, that God will forgive us and treat us with mercy, and that we shall succeed in preserving our religion, king and country, the ruin of which our enemies aim at and would complete, if they should conquer us: a misfortune which this supreme board neither does nor can fear. Royal palace of Alcazar in Seville, June 6, 1808.

D J. BAPTISTA PARDO,
and
MANUEL MARIA DE AGUILAR,
Secretaries.

EDICT.

Ferdinand VII. king of Spain and the Indies, and in his name, the supreme board of government of both empires, in order to carry the declaration of war against the emperor Napoleon I. into full effect, orders as follows:

I. Within four days after the publication of this, any Frenchman, or any other individual under the protection of the French flag, that may wish to enjoy the privileges of the Spanish flag, shall personally appear before our board of finances in this capital, and make his intentions known; and, upon his taking the oath of allegiance, shall be exempt from all sequestrations, and enjoy all the privileges attached to the national flag. The same shall be done in the other towns and cities, before their boards, or town

councils, when there is no board.

II. Any Frenchman, or any individual under the protection of the French flag, that shall not present himself within four days, shall continue to be considered as a subject of France; and, without any other formality, all his property, of whatever it may consist, shall be immediately sequestered.

III. All merchants, and every other person, that may, by virtue of any title whatever, have in their power goods, rights, or claims, belonging to Frenchmen, or to individuals under the protection of the French flag, are ordered, under their responsibility, to keep them in and within four days, they shall be bound to give in a sworn return of the said property to our board of finances; any one that transgresses these orders, being proceeded against according to law.

Given in the royal palace of the Alcazar at Seville, June 7, 1808.

By order of the supreme board.

JUNA BAPTISTA PARDO,
and
MANUEL MARIA AGUILAR,
Secretaries.

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Paris, June 17.

His majesty king Joseph Napoleon arrived on the 17th inst. at eight o'clock, at Pau. As soon as the emperor was informed of it, he repaired from the castle of Marrac, to meet his serene brother. His majesty met the king two miles from Bayonne, and brought him in his carriage to Marrac, where he passed the evening. Her majesty the empress, attended by her ladies in waiting, met the king on the steps of the palace. Immediately afterwards, the deputation of the grandees of Spain, with the duke del Infantado at their head, had the honor of being presented to king Joseph Napoleon, by his excellency M. Azanza, minister of finance for the kingdom of Spain. The president of the deputation made the following speech to the king:

"SIRE—We feel the most lively joy in presenting ourselves before your majesty. The presence of your majesty is necessary to the re-establishment of our country. The grandees of Spain have at all times distinguished themselves by their fidelity towards their sovereigns. Your majesty shall meet with the same integrity and the same fidelity towards your person. May your majesty be pleased to accept our homage with the same benignity of which you have given so many testimonies to your subjects of the kingdom of Naples."

To this his majesty answered:

"That he should devote himself altogether to the government of Spain; that all his endeavors should be employed to bring order into the finances, and re-organize the naval and military force; that Spain might rely upon the preservation of her rights; that he would rule only by virtue of the laws; and finally, that the grandees of Spain might be assured of his especial protection."

Messieurs Urquijo and Cevallos were then admitted to an audience with his majesty, who conferred with them a considera-

ble time concerning the affairs of the kingdom.

The deputation of the council of Castile was afterwards introduced, and made the following speech:—

"SIRE!—The council of Castile, the first of the supreme courts of justice of the Spanish nation, having at their head don Manuel de Lardizabal. Don Joseph Colon, the eldest of the deputation, has the honor to offer its homage to your majesty, and to testify its especial joy at the happy and wished for accession of the throne of Spain of the serene brother of the great Napoleon, whose fame has eclipsed the glory of antiquity. Your majesty has merited his choice, and your serene person unites the sublime qualities which support and strengthen thrones.

"Your majesty constitutes a part of the family destined by Providence to govern. The fame of your deeds has stretched itself over the Pyrennees, and spread over all Spain.

"Noble Spaniards! indulge in hope. The Catholic worship shall not suffer the least wrong. It shall retain all its purity, and be the sole religion in the country. The laws, the lawful customs, the courts of justice, the clergy, the national colleges shall be maintained and ameliorated for the benefit of the church and state. The various orders of the kingdom, the necessary supports of every true monarchy, shall continue in the enjoyments of their prerogatives. The poor shall be relieved. The integrity of Spain and the property of every one shall be inviolably respected."

PROCLAMATION.

Inhabitants of the island of Cuba, worthy deseendents of the generous Spanish nation—

Know, that I have this very day received several manifestoes, proclamations and edicts, published and printed by order of the supreme council (junta) of government, which has been established at Seville, in consequence of an act of perfidy more infamous than any which the world has ever witnessed; papers which you will very soon see, appear not to be written by men, but rather inspired by angels; in short, papers which must necessarily produce the vindication of insulted and derided Spain, and the liberty of all Europe, which lies buried in slavery by the same hand which afflicts our brethren. It appears by them, and I learn by the relation of persons worthy of belief, who have been eye witnesses of the dreadful and horrid events which took place in our peninsula in the months of April and May, that the French government assuming the false character of a good ally, has deceived Ferdinand VII. the best and most virtuous of kings, abused his generosity and good faith, invited him to his territory by artful and insidious caresses, and by similar crafty and treacherous proceedings, induced his august parents, and the whole of the royal family, to follow him, for the purpose of treating them, as they have been treated, with the most disgraceful contempt, and consummated at last their horrible design by compelling them to re-

nounce the crown of Spain in favor of a foreigner, having no other right than his insatiable ambition, at the same time that his executioners and assassins were shedding the precious blood of the inhabitants of Madrid, as a return for the hospitality and fraternity with which they had been received and welcomed, as their own chiefs have publicly acknowledged. Our language contains no term adequate to characterise conduct so horrible, which has covered France with infamy and Spain with mourning, and which has made the most insensible and barbarous nations shudder with fear. But think not from this that the sentiment of honor, the nobleness of mind, and the majestic dignity of the Spanish character, have been dismayed at the sight of such direful calamity. On the contrary, the virtuous and magnanimous sons of an heroic country, are determined to fight until the last man of its twelve millions of inhabitants shall gloriously die, to avenge an insult so humiliating, to avenge their outraged religion, their violated females, their murdered children, and to rescue from captivity their adored Ferdinand. Yes, doubt it not, they will fill with dread the authors of such iniquity, and will exterminate them. They are animated with a holy rage capable of breaking in pieces the chains which bind all the nations of Europe. They have adjusted an armistice with *England, a name sweet and consolatory to the human race!* To which henceforth must be added, that of *shield of afflicted humanity*, for the same just reason that Spain must be styled *the deliverer of the world.* Yes, they co-operate with the *virtuous and magnanimous English*, for though they have just been our accidental enemies, to whom is it unknown that this could only have been, as in fact it was, an effect of the violence and Machiavelism of the French government? Do not blame me on account of the inconsistency between this sentiment and those expressed in the proclamation published on the 27th of January last; besides that almost every government labors under some systematic defects, and commits some acts of injustice, which gives room for invectives, more especially in a state of war, it was a duty of my official station, to accommodate my language to that of my superiors, as I do on the present occasion; but with this difference, that my soul is justly and profoundly indignant, and that I am ardently desirous to shed my blood as a sacrifice to my religion, my king, and my country. Be confidently persuaded that the other nations, whose habitations and fields are yet smoaking with the innocent blood of the flower of their youth, which has been shed by an incomprehensible chain of successes combined by the genius of desolation, will recover from their dismay, will acquire courage to shake off the yoke, and united with Spain and England, will concur in the greatest and noblest work which man can perform, with the same ardor that animates the lioness to rescue her young. The French themselves, that nation illustrious, generous, and worthy of a better lot, will hasten to wash away the black spot with which their own hands have tarnished their lus-

tre; compassionate them, and view them not with hatred, for they are our brothers, and will soon be our good friends. The divine creator of men, the arbiter of the fate of nations, is interested in this holy and august work, and we ought not to doubt his protection. I see you full of ardent zeal to fly to take part in it, but your situation at the distance of 2000 leagues unfortunately now deprive you of that glorious felicity—but it is of no moment.

Money to defray the expence of it is not less than ārms; and it is in your power to participate by means of an offering more salutary to men, and more agreeable to the sight of God, than was ever offered in his holy temple. Imitate the Spanish heroines: circumscribe your expences: renounce your superfluities, establish a Spartan economy: let there not remain in your houses a single ounce of gold or silver, except what is necessary for religious rites. Will you have less virtue, less generosity, than the Romans had, when they believed Hannibal was approaching the gates of Rome? Will you have more attachment to your property, and less disinterestedness than those Pagans, who knew not the true God. Will you have less respect than they to your holy religion, less loyalty and less love to your country, to your customs, to your laws, and to your government, less affection for your wives and your tender infants, and less horror of the tyranny and slavery with which the hosts of the common enemy threaten you as soon as they shall have subjugated your brethren! Will you prefer to reserve your riches entire to the end that the booty may be greater and more captivating to the eyes of their cupidity, rather than to sacrifice part for the sake of objects so precious, which you may save at so little cost; preserve, unhurt, Spain, your glorious native soil, and redeem from captivity your king who has ascended the throne by the rugged road of virtue and heroism, braving the dangers of the scaffold and the enormous infamy of being reputed a regicide and parricide, when his object was to make you happy by the downfall of a perfidious traitor and despotic favorite! Pardon me if I offend your delicacy, your generosity, your well known loyalty, and your holy ambition of true and solid glory. My imagination, disturbed by so melancholy an event, can scarcely allow me to articulate words, how much less to consider them! I am sure that you will do more than I ask of you. I well know your virtues, and you are not ignorant how much I appreciate them, and what are the sentiments of my heart towards you and each one of you. Yes: this is the epoch in which America and her renowned sons, through whose veins runs the illustrious and most noble Spanish blood, will display their greatness of soul, and will acquire as much glory as was recently acquired by the heroic inhabitants of Buenos Ayres, a glory as much more true and solid as the moral virtues and trophies exceed the martial and blood stained triumphs of Mars. The good which you do on this occasion will be common to the Spaniards, to all the na-

tions of Europe and to yourselves, but the sweet pleasure of listening to the blessings on you which will resound from generation to generation, will be a most flattering reward derived from your beneficence, the most valuable which men can grant, and much more estimable than the equivocal distinctions and decorations which are bestowed by sovereigns, not always upon virtue, and even sometimes upon corruption and vice.

I hasten to give you this information, that you may instantly know the great object which ought to occupy the attention and the heart of every Spaniard, and of every man living who loves mankind. But at the same time, I earnestly recommend to you resignation to divine providence, which knows how to extract an antidote from poison, the virtue of fortitude and magnanimity never so necessary as at present; patience, prudence, moderation and docility, to repress your inevitable uneasiness, to shun all tumult and disorder, and to abstain from giving the slightest disturbance to the peaceable, laborious, and most useful Frenchmen, our fellow inhabitants and friends, who, driven by a revolution the most sanguinary and infamous of any recorded by history, have sought and found in your bosom the sacred asylum of a fraternal hospitality; understanding that if there be among them any one whose residence can be injurious to us, he shall be caused to leave the island, without oppresaion, protecting the others with Spanish humanity, and with the strong shield of justice, who will know how to use proper severity towards all who shall attempt to defend them by word or action.

If you hearken with docility to the paternal advice which I give you, and observe it carefully, I trust in the mercy of God, in your loyalty and in your virtues, that you will very soon see the dawn of tranquillity, of rejoicing, of prosperity, and of more brilliant glory for yourselves and your future generations.

THE MARQUIS DE SOMORUELOS.

Havanna, July 17, 1808.

PROCLAMATION BY THE GOVERNOR OF PORTO RICO.

Inhabitants of Porto Rico— Your fidelity and loyalty to the lawful catholic kings of Spain, since divine providence placed this island under their government, are too well known, to make it necessary to exhort you now to display the same loyalty and fidelity which you have always exhibited against the enemies of Spain, in their attacks upon this valuable island.

Now, more than ever, all your efforts are to be roused into action, in order to confound the views of an infamous usurper of your dearest rights. Napoleon Bonaparte aims to subject you to his iron despotism. He has dethroned the amiable sovereign, who you had acknowledged and solemnly sworn to obey; he has violated our holy religion; and all with the pretext of making Spaniards more happy, whereas his real object is to reduce us to the vilest condition of slavery.

Already I see you resolved, and ready to proclaim with a loud voice, that you will shed the last drop of the noble blood that circulates in your veins rather than to submit to the iron yoke which the unparalleled despotism of the French would impose on you; you will not for a moment countenance in your minds those revolutionary crimes which have been the destruction of the human race. This is also my determination, and I promise and swear by all that is sacred and holy, that I will defend your persons and property, with you to preserve unsullied the holy religion in which we were born, and the fidelity we have always borne to the Spanish nation, particularly to our lord and sovereign Ferdinand VII.

As a signal of our unity of sentiment, of our determination to execute the noble purposes we have resolved on, let every one (without exceptions to persons) wear in the hat a *red cockade!* With these distinctions—those who are officers of government, or are employed in the armies of the king, shall place in the centre of the said cockade, a small one of black, to denote the armistice and alliance between the Spanish and English nations, and these will add the initial letter of the name of our beloved sovereign Ferdinand the seventh. All persons are desired to take notice, that in eight days, from the publication of this proclamation, those who are found without this insignia, shall be considered as suspicious persons, and be proceeded against according to law. Given in Porto Rico this 29th day of July, 1808. MONTES.

THE COUNT DEL MONTIJO TO HIS FELLOW COUNTRYMEN.

Spaniards—In the character of a true patriot—as the general in chief of the combined forces in Arragon, influenced by the rank in which the virtues of my ancestors, and their services to their country, have placed me—and finally with the approbation of my cousin and brother-in-law, his excellency the captain general of the kingdom of Arragon, I have presented myself in this capital, in order to consult respecting the most secure and expeditious means of rescuing the nation from the atrocities which it still suffers, in those parts which (to what purpose I cannot conceive) are still occupied by the ravaging troops of Napoleon; but at a time when I thought the result of my journey, that of the toils of my cousin, and the cries of our fellow countrymen, at this moment oppressed by the tyrannical yoke of the French, would have been such as we had a right to expect, and such as more than ever concerns the nation, I see with the greatest sorrow the tardiness with which our armies are put in motion; the want of an authority with which I might communicate, for the purpose of combining and giving a proper direction to their movements; and what is still more lamentable and pernicious, that the precise opportunity which presents itself for destroying the plans and combinations of the enemy, who has not yet abandoned his project, should be occupied in discussions of no importance to the country, and in digressions from the main subject which alone ought to oc-

cupy the attention of all true Spaniards. The captain-general of Arragon and myself have spared no means or toils which could conduce to the attainment of our most important objects. The army under my command has continually occupied the points most contiguous to the enemy, in order to divert his attention to the quarter entrusted to my care. The army of Gallicia, in consequence of my invitation, was already approaching; but being, as well as mine, without a sufficient force of cavalry to cross the plains, it has been compelled not to quit the mountains, but to maintain itself there, with the view either to pursue the enemy should they retreat, or to attack them in flank, should they renew their attempt on Saragossa. I provisionally only took possession of Tudela, that place not being a military position. I was waiting for the forces that were in Madrid; and the enemy, availing themselves of the tardy execution of our plans, united their various corps, there being nothing to prevent them, in order to attack me with double my force, and with a respectable body of cavalry.

I did not consider it prudent, or in any other respect beneficial to maintain a position which was flanked at all points, nor to risk in a single action the fate of my army, and perhaps that of the whole kingdom of Arragon. I retreated upon Saragossa, conformably to the instructions I had received from the captain general, and occupied all the most important points, and those best adapted for a defence, which, if possible, would have been still more obstinate and vigorous than the former.

The enemy have abandoned Tudela, and the other points which they occupied on the left bank of the Ebro, indicating a disposition to retreat upon Pampeluna, and guarding the person of the fugitive Joseph. In the mean time, they are plundering the villages, and depriving us of those resources which are essentially necessary to our subsistence. They impose contributions, and trample on the most sacred rights of our fellow countrymen, who observe our forces, as it should seem, solely occupied in a defensive war, and disabled from affording them any relief.

Spaniards! the post which I occupy obliges me to speak plainly. I am not under the necessity of giving you fresh proofs of my sentiments, for the mere purpose of convincing you of my patriotism. My language will always be dictated by sound reason, and the genuine ardor which animates me in a cause which I was the first to sustain. I desire nothing —expect nothing, but the glory of totally devoting myself to the defence of my king and country; and I leave to others all that has no relation to these objects, and which I consider as unreasonable, at a time when the enemy, from the insufficiency of their force, employ intrigue to throw us off our guard, to start questions of etiquette, and to introduce the most fatal divisions in the train of our triumphs.

Generals of the different divisions of the Spanish army—rush to the point whither you are called by your own honor, the interest of the whole nation, and the

good wishes of all the governments of Europe. It is in the presence of the enemy that we ought to discuss and concert our plans. Abandon those imbecile Spaniards, who by their ridiculous and extemporaneous pretensions, serve as instruments to arrest the progress of our arms, and destroy the advantages which we have already obtained.

Deputies of the different provinces—the nation already blames your tardiness in establishing the central junta, which is to represent the august person of our beloved sovereign, Ferdinand VII. and to dictate the most efficient means of saving the country, amidst a diversity of opinions, and of authorities whose functions must and ought to cease. Sage fellow-countrymen, occupy your talents in the establishment of such a government as will meet the approbation of all; but the most interesting object, and that which demands your most speedy attention, is the complete expulsion from our soil, of the remains of the enemy, who, from the mere knowledge that we are concentrating our forces, are preparing for flight.

Generous merchants—the soldiers of the nation march to defend your property and your cause. The circumstances of the moment require extraordinary services; and it is necessary you should demonstrate your patriotism and attachment to the common cause by donations, for the purpose of clothing all the troops who will have to pass the ensuing winter in the field.

Ministers of religion—proceed in the performance of your duty. Impress upon all your flocks the maxims of sound morality, and offer up your prayers to the God of armies, for the success of the arms of our sovereign, Ferdinand VII. You should particularly apply yourselves to disconcert any artifices by which the enemy may endeavor to mislead the people, and to divert their attention from the main object.

Valiant inhabitants of the Spanish territory, your energy and patriotism are the theme of the admiration and eulogy of all the nations. The delay of a single hour may snatch from you the just reward and crown of your immortal glory. Let us rush to avenge the insults offered us by those sacrilegious wretches, who have violated the most precious privileges of our liberty. Yes! our country, religion, the innocence of the best of sovereigns, imperiously summon you to the prompt discharge of the most noble and sacred of all your obligations.

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INSTALLATION OF THE SUPREME JUNTA, AT THE PALACE OF ARANJUEZ, SEPT. 25.

At half past 9 o'clock this morning, the supreme central junta of government of the kingdom were installed; the ceremony was observed in the following manner:

The deputies assembled in the sacristy of the chapel belonging to the palace of the royal residence, and when formed, seated themselves on the benches placed on both sides for that purpose. They then heard mass, which was celebrated by the archbishop

of Laonicea, coadjutor of the archbishop of Seville, and deputy of that kingdom; after which the following oath, which had been previously taken by that prelate, was administered by him, upon the book of the holy evangelists, to all the deputies:

"You swear by God and his holy evangelists, and by Jesus Christ crucified, whose sacred image you have here present, that in the employment and functions of a member of the central supreme junta of government of the kingdom, you will defend and promote the preservation and increase of our holy, catholic, apostolic, and roman religion; that you will be loyal to, and defend our august sovereign Ferdinand VII. and his rights and sovereignty; that you will promote the preservation of our rights and privileges, our laws and usages, and especially those relative to the succession in the reigning family, and those also which are particularly laid down in the same laws; and finally, that you will promote every thing conducive to the general welfare and happiness of this kingdom, and the amelioration of its customs, keeping secret every thing that should be so, protecting the laws from every evil, and persecuting their enemies, even at the hazard of your life, safety, and prosperity? —*So I swear.*"

"If you do so, God be your helper; and if not, may he punish you, as one who has taken his holy name in vain."—*Amen.*

PAPERS PRESENTED TO THE HOUSE OF COMMONS OF GREAT BRITAIN, RELATING TO PORTUGAL.

No. I.—Aug 4, 1806. Copy of an order from the lords commissioners of the admiralty to the earl of St. Vincent, directing his lordship to proceed to the Tagus.

By the commissioners for executing the office of lord high admiral of the united kingdom of Great Britain and Ireland, &c.

It being of the utmost importance to his majesty's service, that your lordship should proceed with as little delay as possible to Lisbon, to be in readiness to execute the secret service which has been communicated to you by the viscount Howick.

You are hereby required and directed, after having placed the ships off Brest next in command to your lordship, and given the necessary directions as well for his conduct as that of the detached squadrons, to proceed without a moment's loss of time to the river Tagus, taking with you such of the ships under your command as you shall judge necessary, and can be spared from other services; and to remain there until you shall be joined by the troops which are intended to be employed upon this service.

The object of your lordship's destination is to afford the means of counteracting the success of the intended French invasion of Portugal, which their own declarations do not give any longer room to consider as doubtful, and with a view to which an army is said to be now assembled at Bayonne.

In the execution of this important service, it is necessary that your lordship should keep in view the three following objects :—

1st. If the Portuguese government should, contrary to the expectations entertained in this country, be willing and able to make effectual exertions for their own defence, either singly or in co-operation with Spain, his majesty will be willing to afford them such assistance as may be in his power ; and for this object, the presence of a respectable British squadron in the river Tagus may be of essential use.

2dly. If the government, convinced that resistance is impracticable, shall take the resolution which is said to have been in contemplation last war, of removing themselves, with their ships, forces, stores, &c. to the Brazils, which can only be done with the aid of a British fleet, your lordship will be able to co-operate with them for that purpose.

3dly. If there should not be sufficient decision in the court of Lisbon to adopt either of these resolutions, his majesty's ministers must, in such extreme case, look to the preventing as far as possible, the great accession of force, particularly of naval force, which the enemy would receive, were they allowed, without resistance, to possess themselves of the port of Lisbon in its present state, and which must therefore at all events be prevented, and such measures adopted as will enable your lordship in this last case, to bring away the Portuguese ships of war, together with the Brazil ships, and others capable of being made serviceable for the like purpose, and also the persons, ships, and property of the British factories as well as the court, if even in the last moment they should so decide. For the accomplishment of these objects, the troops now embarked will be ordered to follow your lordship with the least delay possible. You will, however, be most careful not to give any intimation, before their actual arrival, of your expecting them, nor take any measures, nor hold any language, that may alarm the French minister at Lisbon, or the French party in the government there, so as to lead to any measures of preparation or precaution against what your lordship may ultimately be obliged to do.

By the officer commanding the ships of war which will escort the troops, your lordship will receive more detailed orders for your conduct in co-operating with them : but as it is possible that they may be under the necessity of acting immediately on their arrival, in order to establish themselves in a secure position, it will be necessary that you should, without giving alarm, have the marines and boats of your fleet always in readiness to assist in any such service ; and that you should possess yourselves of every information that may, in addition to the knowledge which you already possess of that place and the people, be most useful to the commanding officer of the land forces in arranging his operations.

As it is probable that a minister will be sent immediately with a special mission to Lisbon, to co-operate with your lordship in

such representations or negotiations as may be necessary on this subject, your lordship will, in such case, maintain with him the most unreserved confidence on all the objects of these instructions.

Given under our hands the 4th of August, 1806.

HOWICK, J. MARKHAM, H. NEALE.

To admiral the earl of St. Vincent, K. B. &c. &c.

By command of their lordships, B. TUCKER.

No. 2, is a letter from B. Tucker, esq. to capt. Barrie, of the Pomone; directing him to proceed to the Tagus, with the transports under his convoy. This letter is dated admiralty office, 18th Aug. 1806.

No. 3, is a letter from William Marsden, esq. to admiral the earl of St. Vincent, K. B. dated Sept. 1806; directing his lordship to return from the Tagus, to his station off Brest.

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ORDINANCE OF THE PRINCE REGENT.

To count de Ponte, of my privy council, governor and captain general of the province of Bahia.

Friend—I, the prince regent, send you, as my well beloved, greeting. Duly considering the report which you have made to me on the condition of my subjects, and my royal revenue, on account of the present critical state of public affairs in Europe, and being desirous to give on that important subject a speedy decision, in order to stop the farther progress of evils of such magnitude, &c. I do herewith provisionally ordain, until a general system of regulations respecting the matters in question, shall have been arranged as follows:

I. That at the custom-house in the Brazils, all kinds of goods, merchandise and commodities, brought either on board of foreign ships, belonging to subjects of such powers as are considered to be on terms of amity and peace with my royal crown, or in vessels belonging to my subjects, shall be admitted, on payment of twenty-four per cent. import duty, consisting of twenty per cent. consolidated customs, and four per cent. additional duty already established; the collection of the said customs to be effected in the same manner as has hitherto been done at the custom-house. Wine, brandy, and sweet oil, shall pay double the duty that has hitherto been levied on the said articles.

II. That it shall be lawful, not only for my own subjects, but also for those of the powers abovementioned, to export to such ports as they shall deem expedient, for the benefit of trade and agriculture, which I feel anxious to promote, every species of colonial commodities and produce, with the exception of Brazil wool and other articles, the exportation of which is already prohibited, on payment of the same export duty as has hitherto been established in the respective provinces; all laws, royal edicts, and other ordinances, which hitherto prohibited in this state of the Brazils a mutual intercourse and maritime trade between my

subjects and foreign nations, remaining until further suspended and without force. All which you will cause to be carried into effect with that activity and zeal which I expect from you.

THE PRINCE.

Bahia, Jan. 28, 1808.

Be it carried into execution and registered; and the necessary orders for that purpose expedited.

COUNT DE PONTE.

Bahia, Jan. 29, 1808.

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The undersigned commissary of the sequestered English property, makes known to the merchants of this city, that in consequence of the decree of his excellency the commander in chief, dated the 26th of March last, all the goods of English manufacture that are under sequestration in the custom-house (with the exception of such as belong to the subjects of Great Britain), may be cleared, and that he will give on Tuesdays, Thursdays and Saturdays, in every week, the authority for the clearance of such as the claimants may prove their property, by invoices, bills of lading, or some other documents; the said invoices, bills of lading, and documents, must be presented with the signatures duly attested.

LE GOY.

Lisbon, April 2, 1808.

In the name of his majesty the emperor of the French and king of Italy, protector of the confederation of the Rhine, &c.

That M. de Legarde be appointed intendant-general of the police of the kingdom of Portugal. His functions are to be independent of the different secretaries of state, and he will be accountable only to the general in chief.

The secretary of state of the interior and finances, is charged with the execution of this decree, as far as respects the Portuguese authorities, who will acknowledge M. Legarde in his quality of intendant general.

Given at the palace of head quarters, Lisbon, 25th of March, 1808.

JUNOT.

—

THE INTENDANT GENERAL OF THE POLICE OF THE KINGDOM OF PORTUGAL,

Conformably to the decree of his excellency the duke d'Abrantes, general in chief of the army of Portugal, dated the 5th of April, 1808, *orders as follows:*

(ABSTRACT.)

Before the 20th of the present month, the proper officers shall deliver in a correct list of all the individuals of their respective districts who disappeared at the same time with the ancient court, and those who have since fled.

All those who have since that time departed without passport or regular permission, shall be considered, unless satisfactory proof be adduced to the contrary, as having deserted to the enemy's squadron, and shall consequently be inscribed on the list of conspirators.

After the 20th of the present month, the time peremptorily

fixed for the returns, orders will be given for the sequestration of the property of such persons.

All proprietors of houses, in which those persons resided who have fled, shall give information of the same, with the date of their flight, to the corregidor, &c. The same obligation is imposed on those who inhabit the houses, or have the care of the property of the persons who have fled, upon pain of being considered as having intentionally secreted the property destined to be sequestrated.

All communication being forbidden between Portugal and the vessels belonging to the English squadron, all persons are enjoined, by whatever means he may obtain from the said squadron, any papers, letters, pretended proclamations, or other communications, to deliver them immediately to the intendant general of the police, under pain of being considered an agent of the English, and arrested as such.

The same disposition is applicable to all individuals who shall hawk to the exchange, or other public places, pretended news derived from the said squadron, unless they specify the source from whence they derived it, or the persons from whom they obtained it.

There is opened at the hotel of the intendant general of the police, *Place de Rocio*, an office for receiving information against those who may attempt to escape the enemy, against the proprietors of boats who shall convey them, against spies, and their abettors, and for the payment of rewards to such persons whose information in these respects should prove correct.—The present ordinance is to be duly published, &c. &c.

P. LAGARDE,
Intendant general of the police of the kingdom of Portugal.

Lisbon, April 7, 1808.

PROCLAMATION,

By lieutenant-general Hope, commanding the troops of his Britannic majesty, for the immediate security and tranquillity of Lisbon.

Inhabitants of Lisbon,

Your country is rescued, and you are restored to freedom! your national flag is flying in every quarter of the kingdom, and his excellency the general in chief of the British army is anxious to establish your civil government upon the same footing in which it was left by your beloved prince, when, assisted by the constant friends of his person and his throne, he escaped from his most furious enemies. Without losing a moment, we are endeavoring to effect this measure, and to substitute a civil government to the military; to accomplish which, however, some days will be requisite. In order, then, that the evil disposed (if such there be) may not convert true liberty into unbridled licentiousness, and in order to avoid, in the present crisis, the terrible consequences of such disorder, it belongs to the commander in chief, and to those to whom he has immediately delegated the superintendance of the public tran-

quillity of this city, to watch with all vigilance over its peace and quiet, and to give security to the persons and property of its loyal and worthy inhabitants.—To obtain this desirable end, it will be necessary, for a short time, to maintain strong guards, piquets, and patroles, in various directions, in order to seize and take into custody every person who shall attempt to disturb the public peace.

You may rejoice, inhabitants of Lisbon! You have great cause for gladness; and your English friends, participating in your sentiments, rejoice equally with you. Never let it be permitted, however, that the evil disposed should thereby have an opportunity of promoting insurrection or confusion. But let them beware of such a design! The most vigorous and effective means are prepared for suppressing any attempt of this nature, and all who may be guilty shall be punished according to military law, in the most prompt, rigorous, and exemplary manner; and for the purpose of removing every temptation to interrupt the peace of the city, I prohibit, under present circumstances, the entering the city with arms, and the wearing them in the streets. All inns and taverns where wine or spirituous liquors are sold in small quantities, are, for the same reason, required to be shut up at six in the evening, and not to open before sun-rise, under the pain of imprisonment to the dealers, and forfeiture of their liquors.

Finally, I invite all persons who possess any authority or influence whatever, and whether included or not in the body of the magistracy, and more particularly the holy ministers of religion, to assist the military power in preserving the tranquillity of the capital, until the much wished for object of seeing the constituted civil authorities in the exercise of their functions be obtained. God save the prince regent! Viva! Viva!

J. HOPE,
Lieutenant-general.

—

PROCLAMATION

By his excellency lieutenant-general sir Hew Dalrymple, commanding the British forces in Portugal, to the Portuguese nation.

The success with which it has pleased Almighty God to bless the British arms, has brought about the moment when it becomes my duty to address the faithful and loyal inhabitants of this country. I seize the opportunity with eagerness, in order to tranquillize the minds of the timid, to repress the designs of the disaffected, (if any such remain) and to assure the nation at large, that the efforts of the British force, under my command, have no other object in view than to insure the prosperity of the inhabitants of Portugal, by the restoration of that government which has so long and so gloriously presided over them, and the return of which will be welcomed, no doubt, by the universal voice of a loyal people.

The presence of an hostile army, in possession of the capital, and master of the principal re-

sources of the kingdom, had in a manner deprived the estimable and loyal subjects of Portugal of the means of liberating their country. Patriotic efforts, however, were made in spite of these disadvantages, and the national spirit was manifested in a manner at once most decided and most honorable.

The efforts which were made by several provinces of the kingdom opened the road for the restoration of the monarchy.

Notwithstanding, however, the energy displayed by these provinces in arraying and bringing forward an armed force for liberation of the capital; the aid of the ancient and faithful ally of Portugal was necessary to bring the contest to a successful and speedy issue. The warm interest which his Britannic majesty felt for his ally, and the energy which has ever marked the British character, soon brought a powerful force to the shores of Portugal.

That part of the Portuguese army which local circumstances permitted, united itself with the British, whilst the remainder effected a powerful diversion. Measures were taken in concert for the defeat of the common enemy. The steps of that force have been marked by victory, and the expulsion of the enemy has opened the way to the restoration of the Portuguese monarchy, the most gratifying duty which could be imposed by his sovereign on a British commander.

No views of national interest or aggrandisement can be traced in the liberal policy of Britain; but, true to the principles of honor and good faith, that have ever directed her conduct, she sees, in the events now passing in Portugal, only the happy means of re-establishing order, and restoring to the sovereign and the people their just right.

In the execution of these views, as commander of the British forces, I shall best fulfil the intentions of the king my master, and most effectually secure the interests of Portugal, by placing in the exercise of authority, that body to which his royal highness the prince regent thought fit to delegate the sovereign power, when he withdrew the royal dignity from the insults of an implacable enemy, and preserved the sovereignty of his dominions beyond the Atlantic.

One respectable nobleman, a member of the body thus left in power by his royal highness, has unfortunately been removed from his country, by the authority or arts of its enemy, by which at this critical period it is deprived of his services, whilst some of the members having appeared to unite themselves with the French interest, have rendered their re-establishment in the government at this moment impossible.

Therefore the distinguished persons undermentioned, the remaining members of the regency appointed by his royal highness the prince regent, and who have incurred no such disability, are called upon to repair to Lisbon, to take upon themselves the functions of the government, until such time as the will of his royal highness the prince regent shall be more fully known, viz.

The count de Castro Marim, Monteiro Mor of the kingdom,

and member of the councils of his royal highness.

Don Francisco Xavier de Noronha, member of the councils of his royal highness, and Grao Cruz da Ordem de Saint-Iago, president of the board of conscience, and lieutenant-general in the royal armies.

Francisco de Cunhave Monezes, member of the councils of his royal highness, and lieutenant-general in the royal armies.

Joao Antonio Mendoço, Desembargador do Paço, and Procurator of the crown.

Dom Miguel Pereira, Foriez Cantinho, member of the councils of his royal highness, and brigadeiro in the royal armies.

To this government the inferior jurisdictions and tribunals, the constituted and legal authorities of the kingdom, and all persons of every description are required to pay all deference and submission.

As commander of the British forces, I shall hold it to be my first and most urgent duty to maintain the authority of the government thus established, to insure the tranquillity and subsistence of the capital, and to encourage the re-establishment of the former prosperity of the kingdom.

When these objects are attained, and the attainment of them can only be delayed by intrigue or disaffection, the interference of a military force will cease to be necessary; but until these ends are accomplished, the most vigorous and decided measures will be taken for maintaining the peace and good order of the country, and all offences against the tranquillity of any part of the kingdom, will be proceeded against with the utmost severity.

Given at the head quarters of the British army at Prayas, this 18th day of September, 1808.

HEW DALRYMPLE,
Lieutenant-general and commander of the British forces in Portugal.

—

A letter written by the camp marshal general Bernardin Friere de Andrada, dated at head quarters at Mafra, the 6th September, contains the following, viz.

I have the honor to transmit to your excellency a copy of a letter from general Murray, which I have this moment received, and which certainly corresponds with the opinion I have always entertained on the conduct of our allies. Our flag is hoisted on the tower of St. Julian, and it is garrisoned by the regiment of artillery of Corte. The admiral commanding the Russian squadron has sent his compliments on the occasion. And thus, sir, we hope, under Providence, that nothing will obstruct the prosecution of our endeavors, and the sincere intentions with which so many men of honor and probity have engaged in the service of our prince and country. I am, &c.

Copy of a letter from general Murray, above referred to.

After my arrival in the camp, I have just received a letter from the adjutant general, written under an idea that I should have the

honor to see you; but as this will not take place as soon as I could wish, I must address you in writing. The adjutant general assures me, in the name of the general, that it was merely through a mistake that the English flag was hoisted on Fort St. Julian; that nothing could be more distant from his intentions; and that the moment he was apprised of it, he caused it to be taken down, and the Portuguese placed in its stead. It would certainly have been better if this had not occurred, but I trust that your excellency, and the Portuguese nation, will be satisfied it proceeded only from a mistake. I am further to inform your excellency, that there is now in the fort of St. Julian a body of Portuguese artillery, which had been in the French service. It appears to me from the tenor of the letter, that the general thinks it adviseable to remove it from thence, but he at the same time directs me to request your excellency's opinion and wishes on this subject. I cannot conclude without expressing to your excellency my sense of your obliging attentions since my corps has been united with yours, and to assure you that I am, &c.

MURRAY,

In camp, Sept. 5, 1808.

General Friere de Andrada.

—

Vittorio, July 14.

On the 11th his catholic majesty proceeded from Tolosa to Bergara, where he was waited upon and complimented by the civil and ecclesiastical authorities, and by the students of the celebrated college of that town.

He also received a deputation from the town of St. Andero, consisting of six persons, who ratified the oath of fidelity already taken by their town, and solicited forgiveness for their error. His majesty received each of them with the greatest friendship, and was engaged in business with his ministers until nine in the evening.

On the following day the king continued his journey to Vittoria. On the boundaries of Guipaseoa, the deputation of that province took leave of his majesty, who found the deputation of Alara on their own territory. He also received the magistracy of the place, and made inquiries of them respecting the state of their respective districts.

When about three leagues from the city, he received some dispatches by a courier; he stopped, read the dispatches, and answered them without alighting from his carriage. During this interval, a detachment of the African regiment of infantry were introduced to him, which was so resolutely bent on accompanying his majesty, though repeatedly told, that being on foot, it was impossible to keep up with the carriage, that it nevertheless went on for three long leagues, and never stopped until his majesty arrived at the apartments prepared for him. At his entrance into the city all the troops were under arms, and the houses were hung with carpets. The firing of the artillery, the ringing of the bells, and the concourse of the inhabitants from all quar-

ters, all contribute to distinguish this event. The day before, his majesty was proclaimed king of Spain and the Indies in this city, being the capital of the province.

At the distance of a league from Vittoria, his majesty received a special deputation from the province, the civil and spiritual authorities, and all the individuals of respectability, who assembled from the environs in order to be introduced to him.

At nine in the evening a display of fireworks took place, and his majesty was pleased to partake in the festivity.

This day, after transacting business with his ministers, his majesty attended mass in the collegiate church. He was received at the entrance by the chapter, who conducted him to a seat under a canopy, which was placed near the grand altar. On his return to his residence, his majesty gave audience to all the deputies from the adjacent towns and villages, as well as those who were introduced to him the preceding day.

The festivities of the former day, with the display of fireworks, were this day repeated.

On the day of his majesty's arrival the following proclamation was issued:

Don Joseph Napoleon, by the grace of God, and the constitution of the state, king of Spain and the Indies.

Spaniards!—On entering the territory of a people, the government of whom Providence has confided in me, I feel it my duty to explain the sentiments which I entertain.

In ascending the throne, I rely upon finding among you some generous souls who will second my efforts to restore this people to the possession of their ancient splendor. The constitution, to the observance of which you are about to pledge yourselves by your oaths, secures the exercise of our holy religion, and of civil and political freedom. It establishes a national representation, and restores your ancient Cortes in an ameliorated form. It provides a senate, forming the guarantee of individual liberty, and the support of the throne in critical circumstances, and constituting an honourable asylum and rewards to those who shall have performed signal services to the state.

The courts of justice, the interpreters of the laws, divested of passion and favour, shall, in pronouncing judgment, be impartial, free, and independent.

Merit and *virtue* shall be the only claims to holding public offices. Unless I am disappointed in my wishes, your agriculture and commerce shall flourish, free from those restraints which have hitherto retarded their prosperity.

Desirous of ruling according to the laws, I will be the first to give an example of the honour which should be paid to them.

I enter among you with the greatest confidence, surrounded with those meritorious individuals, who have concealed from me nothing which they thought necessary for your interests.

Blind passion, false rumours, the intrigues of the common enemy of the continent *anxious only to separate the Indies from Spain*, have plunged some of you into the most dreadful state of anar-

chy. My heart bleeds at the view of it: but this evil, however considerable it may be, may instantaneously cease.

Spaniards, only unite around my throne: conduct yourselves so as that internal disturbances shall not deprive me of that time which I wish to employ in labouring for your happiness, nor deprive me of the means of accomplishing that object. I esteem you enough to persuade myself that you will make every exertion to obtain and merit that happiness which is the dearest object of my wishes.

I, THE KING.

Vittoria, 12th *July*, 1808.

By order of his majesty,
The minister secretary
of state,
M. RIANO LUIS DE URQUIJO.

—

Bilboa, September 2.

On the 26th, 27th, and 28th of August was held here a general and extraordinary junta of the province of Biscay, and under the presidency (by appointment of his catholic majesty) of his excellency Don Joseph de Massaredo, captain general of the navy, minister for marine affairs, &c.

At the opening of the first sitting, and after their full powers had been delivered in by the deputies of 113 communities which have the right of deputation to the general assembly, in which to the number of 108 were present, the following speech was delivered by the President:

Biscayans!—The unfortunate occurrences which have induced the king to give orders for assembling the deputies of these provinces, must, doubtless, be disagreeable to you, chiefly on account of the evils suffered by many of your countrymen. But you have testimony of your own consciences, and the happiness of seeing that this province has had no share in the insurrection, which has been excited only in the city of Bilboa, by worthless persons of no weight, enemies as well of your province, as of the public tranquility, and who led astray the common people, as is generally the case, for the purpose of fettering the general congress, and substituting a cruel anarchy in its place.

It is not unknown to you, inhabitants of Biscay, that these disturbances, and those which the whole kingdom yet suffers, have arisen from the errors into which the general feelings have been led away, and by giving more weight to individual passions than to reason and the common good; and these have risen to such a height, that the rights of widows, the lamentations of children, the miseries of misguided families, and general desolation, are counted as nothing. Heaven grant that the mischiefs which our native country has already suffered, be not followed by new disasters! For only by weighing well the dangers which threaten, can it avoid them.

There is no longer any uncertainty. The emperor Napoleon cannot possibly depart from the resolution which he has taken. The great powers of the continent have acknowledged Joseph Napoleon as king of Spain, and have sent to their ministers new credentials. Dreadful armies ap-

proach for the purpose of effectuating the undertaking.

Biscayans!—His majesty has ordered me to assemble you, 1st. To know from yourselves what share you have had in the insurrection excited in the city of Bilboa; whether you approved of, or abhorred it. 2d. To assure you, in case you disapprove of it, that his majesty has consigned to oblivion the mistakes and errors of the insurgents, and that he will punish only the heads and beginners of the insurrection, with regard to whom the law must take its course, for the purpose of preventing them in future from disturbing your repose and prosperity. 3d. In order to make known to you his beneficent designs, and to place before you, and make you acquainted with his wishes for all that may contribute to the prosperity of the country.

You will deliberate on each of those subjects in succession, and in the order in which they shall be submitted to you.

There shall be named a committee of three intelligent persons, to whom it shall be given in charge, to submit to his majesty all that may contribute to the accomplishment of the plans which his majesty has formed for your advantage; for the king knowing how much my soul has been plunged in grief, by the news of the disturbances which have laid waste this country, has ordered me immediately, and in respect to the affection which I bear towards you, to make known to you the feelings by which his paternal goodness is animated in your favour. I trust that I shall have the satisfaction of carrying to the foot of his majesty's throne, not only the homage of your fidelity and gratitude, but also the assurance that these reign, and shall ever reign in your hearts. This is for his majesty the richest glory of his throne.

Upon the delivery of this address, the members of the junta solemnly assured the president, that the commons of the province had no share in the insurrection which had taken place; that they themselves disapproved of, and detested it, declaring at the same time their feelings of affection and loyalty to his majesty, &c. The president having received these declarations, communicated to the junta the regulations adopted by his majesty for enabling the province to enjoy the advantages ensured, by the constitution, to the whole kingdom, together with special favours, tending to promote the manufactures and commerce of Biscay; all which were received by the junta with the greatest thankfulness.

At the close of the sitting of the following day, the president, standing up, asked the members of the junta, whether, in all that had been submitted to their deliberation, every thing had not marked the proofs of paternal goodness on the part of his majesty, and of the arrangements which he will make for the highest prosperity of the country: they replied with acclamations of applause. He then asked them, whether they lovingly, truly, and obediently took the oath to the king, Joseph Napoleon, their lord and king.

The president closed the assembly with a speech, in which

he declared his satisfaction with the transactions of the junta.

RESIGNATION OF THE CROWN OF SPAIN BY KING CHARLES IV. AND THE PRINCE OF ASTURIAS.

Napoleon, emperor of the French, king of Italy, and protector of the confederation of the Rhine, and Charles IV. king of Spain and all the Indies, animated equally by a desire to put an end to the anarchy to which Spain is a prey, and to save that nation from the agitation of faction and the convulsions of civil and foreign war, and place it in the sole position, which in the extraordinary circumstances in which it is now found can maintain its integrity, guarantee its colonies, and enable it to unite all its means to those of France, to obtain a maritime peace; have resolved to combine all their efforts, and to regulate, by a particular convention, interests so dear to them: to this effect they have appointed,

His majesty the emperor of the French, king of Italy, and protector of the confederation of the Rhine, the general of division Duroc, grand marshal of the palace.

His majesty the king of Spain and the Indies, his serene highness Manuel Godoy, prince of Peace, count of Evera Mont, who having exchanged their full powers, have agreed as follows:

Art. 1. His majesty, king Charles, having, during his whole life, only had in view the happiness of his subjects, and constantly adhering to the principle, that all the acts of the sovereign ought solely to tend to that object: the present circumstances can only be sources of dissentions the more fatal, because factions have divided its own family; has resolved to cede, and does cede by these presents, to his majesty, the emperor Napoleon, all his rights to the throne of Spain and the Indies, as the only means, in the state to which things have arrived, which can re-establish order; it being always understood, that the said cession only takes place in order that his subjects may enjoy the two following conditions:

1. The integrity of the kingdom shall be maintained.

2. The prince whom his majesty the emperor Napoleon shall judge proper to place on the throne of Spain, shall be independent, and the limits of Spain undergo no alteration.

II. The catholic, apostolic and Roman religion shall be the only one in Spain; no reformed religion shall be tolerated there, and still less infidelity, according to the usage now established.

III. All acts contrary to those of our faithful subjects, since the revolution of Aranjuez, are null and of no validity, and their property shall be restored to them.

IV. His majesty king Charles, having thus secured the prosperity, the integrity, and the independence of his subjects, his majesty the emperor engages to give an asylum in his states to king Charles, to the queen, to the prince of Peace, as also to those of their servants who shall wish to follow them, who shall enjoy in France a rank equivalent to that which they possessed in Spain.

V. The imperial palace of Compignan, and the parks and forests dependent on it, shall be at the disposal of king Charles during his life.

VI. His majesty the emperor gives and guarantees to the king, Charles, a civil list of 30,000,000 of reals, which his majesty, the emperor, will cause to be paid him without delay, every month, from the treasury of the crown.

At the death of king Charles, a revenue of two millions shall form the dowry of the queen.

VII. His majesty, the emperor Napoleon, engages to grant all the infantas of Spain an annual rent of 400,000 livres, to be enjoyed by them and their descendants in perpetuity, saving the reversibility of the said rent from one branch to another, in case of the extinction of one of them, according to the civil laws. In case of the extinction of all the branches, the said rents shall revert to the crown of France.

VIII. His majesty the emperor Napoleon shall make such arrangements as he shall judge proper with the future king of Spain for the payment of the civil list, and the rents stipulated in the preceding articles; but his majesty, Charles IV. is understood to have no relation with respect to that object, except with the treasury of France.

IX. His majesty, the emperor Napoleon, gives in exchange to his majesty, king Charles, the castle of Chambord, with the parks, forests, and farms dependent on it, to enjoy in full propriety, and to dispose of, as shall seem to him good.

X. In consequence, his majesty king Charles renounces in favour of the emperor Napoleon, all the allodial and particular property not appertaining to the crown of Spain, but possessed personally.

The infantas of Spain shall continue to enjoy the revenues of the commandaries they possess in Spain.

XI. The present convention shall be ratified, and the ratification exchanged, within eight days, or sooner if possible.

Done at Bayonne, May 5, 1808.

DUROC.

THE PRINCE OF PEACE.

PROCEEDINGS OF THE FRENCH GOVERNMENT, RELATIVE TO SPAIN.

Paris, September 8.

On the 5th instant the senate assembled, under the presidency of his serene highness, the prince arch chancellor. The prince arch treasurer, the prince vice grand elector, and the prince vice constable assisted at the sitting. The ministers of foreign affairs and of war, communicated the following reports. A message from his majesty was also ordered to the senate.

REPORT OF THE MINISTER FOR FOREIGN AFFAIRS, TO HIS IMPERIAL AND ROYAL MAJESTY.

Bayonne, April 24, 1808.

Sire—The security of your empire, the consolidation of its power, and the necessity of employing every means to compel to make peace, a government which,

making a sanguinary sport of mankind, and in violation of every thing held most sacred among men, has adopted the principle of perpetual war, imposes on your majesty the obligation of putting an end to the anarchy which menaces Spain, and to the dissentions which agitate it. These important circumstances render the choice of a line of conduct extremely important; they involve considerations which interest, in the highest degree, both France and Europe.

Of all the states of Europe there are none whose fate is more necessarily connected with that of France than Spain. Spain is to France either a useful friend or a dangerous enemy. An intimate alliance must unite the two nations, or an implacable enmity separate them. Unfortunately that jealousy and distrust which exist between two neighbouring states have rendered enmity habitual. It is thus that the ensanguined page of history affects the rivalship of Charles V. and Francis I. which was not less the rivalship of the two nations than of their sovereigns, and which continued under their successors. The troubles of the league were excited and fomented by Spain, who was no stranger to the disorder of La Fronde, and the power of Louis XIV. did not begin to rise until after having conquered Spain. He formed with the then reigning house in that kingdom, an alliance, which, in its consequences, placed the crown of that kingdom on the head of his grandson. That act of provident policy gave to the two countries an age of peace, after three ages of war.

This state of things, however, ceased with the cause which gave birth to it. The French revolution broke the permanent connexion which existed between the two nations. Then came the third coalition, in which Spain, prodigal to France, of protestations of friendship, secretly promised her aid to the coalesced powers, as was discovered by the papers communicated to the British parliament. The English ministry determined, from this moment, to undertake nothing against Spanish America, already considered Spain as an ally, and Spain, as well as England, looked forward to the defeat of its enemies. Events set aside that expectation, and Spain remained friendly.

At the epoch of the fourth coalition, Spain showed more openly her hostile disposition, and betrayed by a public act the secrets of her engagement with England. That famous proclamation cannot be forgotten, which preceded, by nine days, the battle of Jena, by which all Spain was called to arms, when no enemy threatened her, and was followed by measures promptly effective, since the military establishment of that kingdom was raised from 118,000 men, to 140,000. A report was at that time spread, that the army of your majesty was beaten, and that Austria was about to declare against you, and Spain imagined she might declare herself with impunity. The victory of Jena confounded her projects. The moment is arrived to give to France, on the side of the Pyrenees, a permanent security, so that if France is exposed to new dangers, she may, instead of hav-

ing any thing to fear from Spain, expect much from her aid, and have recourse to the Spanish armies to march to defend her.

In its present state, Spain is ill governed, badly united, or rather not united at all, in a common cause against England. Her marine is neglected, scarcely are any ships to be seen in her ports, and those in the worst state; the magazines are badly supplied, the workmen and sailors not paid, whilst in her ports there are no redoubts, nor batteries nor armaments. In all the branches of the administration the most horrible disorder prevails; all the resources of the monarchy are delapidated, and the state, loaded with an enormous debt, is without credit. The produce of the customs, and the estates of the clergy, destined to diminish this debt, have another destination given them. Lastly, in the penury of its means, Spain, abandoning totally her marine, occupies herself with the augmentation of her land force. Great evils can only be cured by great changes.

The most pressing object of solicitude with your majesty is the war against England. England announces that she will not come to any accomodation. All the overtures of your majesty have been rejected or neglected. The war against her, therefore, cannot be carried on with too much vigor. Spain possesses maritime advantages which are lost to her and to France. It is necessary that a good government should give them activity, improve them by a judicious organization, and that your majesty should direct them against the common enemy, to arrive, at length, at peace, which humanity calls for, and of which all Europe stands so much in need. Every thing that leads to this end is legitimate. The interests of France and those of continental Europe, will not allow your majesty to neglect the only means by which the war against England can be carried on with success.

The present situation of Spain compromises the security of France, and the fate of the war against England. That country which possesses the greatest maritime means in Europe, uses them the least.

Sire—Spain will not be to France a sincere and faithful friend, nor can the war against England be continued with the hope of arriving at peace, until a common interest shall unite the two houses reigning in France and Spain. The dynasty which governs Spain, through its affections, its recollections, its fears, will be always the secret enemy of France; an enemy the more perfidious, because, pretending to be friendly, and yielding every thing to France whilst victorious, it will be ready to overwhelm her the moment her victory becomes uncertain.

It will be for the interest of Spain, as well as of France, that a firm hand should re-establish order in her administration, the disorder of which has crippled her government, and leads to that ruin, towards which she is hastening with rapid strides. A prince, the friend of France, by sentiment, by interest, having nothing to fear from her, and not being an object of distrust to her, will appropriate all the resources of Spain to her interest, prosperity

to the re-establishment of her marine, and to the success of the cause which unites Spain to France and the continent. Thus the work of Louis XIV. will be re-established.

What policy suggests, justice authorises. Spain is really in a state of war with your majesty, her communication with England was a hostile act; her proclamation of the 15th of October was really a declaration of war, which would have been followed by an act of aggression, if your majesty had not conquered at Jena. In that case, the departments on the left of the Loire, which your majesty had left without troops, would have been obliged to fly to repel this new enemy.

The French ministers in Spain have lost their ancient privileges, the laws of the customs were directed chiefly against French commerce, and were remarkable for their arbitrary and perpetual variation. These variations could not be known, no publicity was given to them. It was only at the custom-house that it was learnt that the law of one day was not the law of the next. Merchandize confiscated, often without any pretext, was not restored. All the applications made by, or on behalf of the French, were rejected. Whilst Spain was thus making war in detail upon the French and their commerce, all her ports, and chiefly those of the gulph of Gascony were open to English commerce. The law of blockade proclaimed in Spain, similar to that of France, was only rendered the means of favouring still more the contraband trade of England, the merchandize of which was spread, through Spain into the rest of Europe.

Exclusive, however, of the considerations which I have stated, existing circumstances do not permit your majesty to refrain from interfering in the affairs of that kingdom. The king of Spain has been precipitated from his throne, your majesty is called upon to judge between the father and son. What part will you take? Will you sacrifice the cause of sovereigns, and sanction an outrage committed against the majesty of the throne? Will you leave on the throne a prince who cannot withdraw himself from the yoke of England, in consequence of which your majestly must constantly keep on foot a powerful army in Spain. If, on the contrary, your majesty determines to replace Charles IV. on the throne, it is known that it cannot be done without overcoming a great resistance, and shedding French blood. Can that blood of which the nation is prodigal for the defence of its own interests, be shed for the interest of a foreign king, whose fate is of no consequence to France? Lastly, can your majesty, taking no interest in these important differences, abandon the Spanish nation to its fate, while already it is agitated by an extreme fermentation; and when England is sowing the seeds of trouble and of anarchy, ought your majesty to leave this new prey to England to devour? No, certainly not. Your majesty, therefore, occupied of necessity with the regeneration of Spain, in a manner useful to that kingdom, and useful to France, ought neither to re-establish, at the

price of much bloodshed, a dethroned king, nor abandon Spain to herself; for, in both cases, it would be delivering her to the English, whose money and intrigues have produced the difficulties in that country.

I have stated to your majesty the circumstances which demand a great determination. Policy advises, justice authorises, the troubles in Spain enforce the necessity: your majesty ought to provide for the security of the empire, and save Spain from the influence of England.

I am with respect, &c.

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REPORT OF THE MINISTER FOR FOREIGN AFFAIRS, TO HIS IMPERIAL AND ROYAL MAJESTY.

September 8.

Sire—I have the honour to propose to your majesty to communicate to the senate the two treaties which have placed the crown of Spain in your hands, and the constitution which, under your auspices, and enlightened by your advice, the junta assembled at Bayonne, after free and mature deliberation, have adopted for the glory of the Spanish name and the prosperity of that kingdom and its colonies.

If, in the arrangements made by your majesty, the security of France has been your principal care, the interest of Spain herself has, however, been dear, and in uniting the two states, by the most intimate alliance, the prosperity and the glory of both were equally the objects proposed. The troubles which have manifested themselves, have particularly excited the solicitude of your majesty, in deprecating their progress, in foreseeing their sad consequences, in hoping to prevent them by persuasive means, and by the measures of wise and humane policy. Your majesty interfered as a mediator in the midst of the divided Spaniards, shewing them, on one side, the anarchy which threatened them, and on the other, England ready to profit by their divisions, and to make use of them to suit their convenience, and pointing out to them the way by which they might be saved from this double danger, by a constitution, ever provident, proper to provide; all of which they stood in need, and in which liberal ideas intermixed themselves with those ancient institutions which Spain wished to be preserved.

The expectations of your majesty have been deceived. Individual interest, foreign intrigues, and the influence of foreign corruption have prevailed. Why is it so easy to lead nations to their ruin by letting loose their passions? In a former report, I have made your majesty acquainted with the influence which the English were acquiring in Spain, the numerous party that they had formed, the friends whom they had acquired in the commercial towns, by holding out to them the prospect of a revival of their trade: I had pointed them out to you as authors of the sedition which overturned the throne of Charles IV. and the favourers of the popular disorders which arose at that epoch. They had burst through the salutary restraint which keeps the people in submission, by operating upon their interest. The populace of Spain

have shaken off the yoke of authority; aspired at governing; English gold, the intrigues of the agents of the inquisition who were afraid of losing their authority, the influence of the numerous tribe of monks in Spain, who dreaded a reform, have in this critical moment, occasioned the insurrection of several Spanish provinces, in which the voice of the more prudent class has been either mistaken or stifled, of whom not a few have fallen victims to their courageous opposition to popular tumult, and a dreadful anarchy has been seen to diffuse itself over the greatest part of Spain. Will your majesty permit England to be able to say, "Spain is one of my provinces; my flag, driven from the Baltic, the North Sea, the Levant, and even from the shores of Persia, rules in the ports of France!" No, never, sire!—To prevent so much shame and misfortune, two millions of brave men are ready to scale the Pyrenees, and the English will be chased from the peninsula. If the French fight for the liberty of the seas, they must, to conquer, begin by wresting Spain from the influence of the tyrants of the ocean. If they combat for peace, they cannot obtain it until they have chased from Spain the enemies of peace.

If your majesty, embracing the future as well as the present, aspires to the noble object of leaving after you, your empire calm, tranquil, and surrounded by powerful friends, you must begin by securing its influence in Spain.

Lastly, if honour is the first sentiment, as well as the first object of Frenchmen, your majesty must promptly inflict vengeance for the outrages committed against the French name, and the atrocities to which so great a number of our countrymen have fallen victims. Frenchmen established in Spain for more than twenty years, exercising in peace their useful industry, and almost regarding Spain as their country, have been massacred. Every where French property has been seized.

The consular agents of your majesty have experienced a treatment which would not have been suffered even in the most barbarous countries. What estimation, what consideration will the French name enjoy in Europe, if, in a country so near to us, atrocities so infamous and so public remain unpunished? Reparation ought to be had for them; but a reparation so consonant to Frenchmen, by victory.

It is no small advantage the probability of at length meeting the English, of fighting them man to man, of making them also feel the evils of war; of a war, of the dangers of which they are ignorant, having only caused it by their gold. The English will be beaten, destroyed, dispersed, or, at least they will make haste to fly, as they did at Toulon, at the Helder, at Dunkirk, in Sweden, and every where the French armies have been able to find them: but their expulsion from Spain will be the ruin of their cause. This last check will exhaust their means, annihilating at the same time their last hopes, and peace will become more probable. The wishes of all Europe will, in this contest, be with France. France and Russia make common cause against England. Denmark supports, with honour, a contest

which she did not provoke. Sweden, betrayed and abandoned by the ally to whom an insane cabinet has sacrificed her, has already lost her most important provinces, and is hastening to that ruin which is the inevitable effect of alliance and friendship with England.

Such will be the fate of the insurgents in Spain. When the contest becomes serious, the English will abandon Spain, after making them the sad bequest of a civil war; of a war of foreign interests, and for anarchy, the most cruel of scourges. It will be for the wisdom and beneficence of your majesty to repair the evils of which they will be the cause.

The court of Vienna has constantly testified to your majesty the most amicable intentions: indignant at the policy of England, she has recalled her minister from London, sent back the minister who was at Vienna, shut her ports against England, and placed herself in a state of hostility with that power. She has added to these measures an interdict in her ports against the admission of vessels, which, under a neutral flag, are only the carriers of English property and merchandize. Your majesty has cultivated this favorable disposition; has testified to the court of Vienna friendship and confidence; and has several times intimated to her, that France takes a real interest in her prosperity. Latterly, however, this power has carried its armament beyond measure; its military force is out of all proportion to its population and finances. Your ministers, sire, only wish to remark this, in order that your majesty may perceive the necessity of augmenting your force for the purpose of still preserving the relative superiority which exists between the power and the population of the two empires.

A new revolution has broken out at Constantinople. Sultan Mustapha has been deposed.

The Americans, a people who involve their fortune, their prosperity, and almost their existence in commerce, have given the example of a great and courageous sacrifice. They have prohibited, by a general embargo, all commerce and all navigation, rather than shamefully submit to that tribute which the English impose on the navigation of all nations. Germany, Italy, Switzerland and Holland, are peaceable, and wait only for a maritime peace to exert all their industry.

That peace is the wish of the world, but England opposes it; and England is the enemy of the world. The French nation, all Europe, know the efforts made by your majesty to obtain peace; they know that your enterprizes are the immediate result of the ill successes of the attempts which you have made to obtain it.

The devotion of the French people is without bounds! and it is more especially under circumstances which are so essentially connected with their honour and its security, that their sentiments will be evinced, and that they will show themselves worthy of reaping that harvest of glory and honour, which your majesty has prepared for them.

I am, with respect, &c.

MESSAGE OF THE EMPEROR AND KING NAPOLEON, TO THE SENATE.

Senators—My minister for foreign affairs will lay before you the different treaties relative to Spain, and the constitutions agreed to by the Spanish junta. My war minister will acquaint you with the wants and the situation of my armies in the different parts of the world.

I am determined to carry on the war with Spain with the utmost activity, and destroy the armies which England has disembarked in that country. The future security of my subjects, the prosperity of commerce, and maritime peace, must alike depend on these important operations.

My alliance with the emperor of Russia extinguishes every hope which England can entertain from her projects. I have no doubt respecting the peace of the continent, but I neither will nor ought to rely upon the false calculations and the errors of other courts, and since my neighbours increase their armies, it is a duty incumbent on me to increase mine.

The emperor of Constantinople is struggling with the most violent convulsions. Sultan Selim, the best emperor the Ottomans have had for a length of time, has just fallen by the hands of his nephews. This catastrophe had deeply affected me. I impose fresh sacrifices on my people, confident of their support; they are necessary, in order to secure them from heavier sacrifices, and to lead them to the grand result of a general peace, which ought also to be considered as the moment of repose.

Frenchmen, my projects have but one object in view, your happiness and the permanent well-being of your children: and, if I know you right, you will hasten to comply with this new call, rendered necessary by the interests of the country. You have so often assured me of your affection, I will behold the sincerity of your sentiments in the alacrity with which you will second projects that are so intimately connected with your dearest interests, with the honour of the empire, and with my glory.

Given at the imperial palace of St. Cloud,

(Signed) NAPOLEON.

4th *September* 1808.

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Paris, September 8.

REPORT OF THE WAR MINISTER, TO HIS IMPERIAL AND ROYAL MAJESTY.

Sire—I have the honour of laying before your majesty, the state and situation of your majesty's armies in Poland, in Prussia, and in Silesia, in Denmark, in Dalmatia, in Albania, in Italy, in Naples, and in Spain. I annex to it that of your majesty's armies of reserve at Boulogne, on the coasts, on the Rhine, and in the interior. Your majesty will perceive that France never before possessed more numerous or better appointed armies, and that they were never better kept up, or better provisioned.

Notwithstanding, however, the different events which have taken place in Spain, have occasioned a pretty considerable loss, in consequence of an operation as incon-

ceivable as it is painful, of the division under general Dupont: your majesty has notified the resolution you have taken of assembling more than two hundred thousand men beyond the Pyrennees, without, however, weakening either the armies in Germany, or that of Dalmatia. For the attainment of this end, a levy of eighty thousand men appears to be indispensable. Your majesty can only take these eighty thousand from the four classes of the conscription of the years 1806, 1807, 1808, and 1809.

It is ascertained by the registers kept in my office, that independently of the men who have married within these four years, the conscription for these years might furnish six hundred thousand. In taking from that number a levy of eighty thousand men, your majesty will have called out only one conscript out of seven, and the vacancies in the armies will be filled up with soldiers of 21, 22, and 23 years of age; that is, with men fit and prepared to undergo the fatigues of war.

Nor has it escaped your majesty's foresight, that such an augmentation of force would necessarily involve an increase of expense of several millions in the war department.

It is not your majesty's wish that I should detain your attention with that object in this report; your finance minister has taken upon him to make good that charge, without, in any wise increasing the taxes established by the last law.

It is true, sire, that the custom observed of late years, might to a certain degree, induce a part of your subjects to consider themselves as released from the duty of the conscription from the moment that, upon the total mass, they had furnished the contingent required for the year; and under this point of view, what I propose to your majesty might appear to require from your subjects a sacrifice; but, sire, there is no one but knows, that, by the words of the law, your majesty would be authorised to call to your standard the whole of the conscription, not only of the last four years, but even of the antecedent years; and even were there questions of a real sacrifice, what sacrifice is it that your majesty has not a right to expect from the love of your subjects? Who among us is ignorant that your majesty wholly sacrifices yourself for the happiness of France, and that upon the speedy accomplishment of your high designs, depend the repose of the world, the future safety and the re-establishment of a maritime peace, without which France can never enjoy calm and tranquillity?

In proposing to your majesty to declare, that henceforth no retrospective call shall take on an antecedent conscription, I only participate your paternal wishes.

I think it expedient, at the same time, to propose to your majesty to order out the conscription of the year 1810, and to determine the amount of it from the present instant, at eighty thousand men, to furnish the means, as occasion may require, of forming camps of reserve, and of protecting the coast in the spring time. This conscription would be raised only under the apprehension of a war with other powers, nor would it

be called out before the month of January next.

Sire, it is a misfortune inseparable from the present state of Europe, that when one power exceeds the amount of the forces proportioned to its population, that other powers cannot dispense with increasing theirs in the same proportion. England independent of the immense number of her seamen, has on foot an army of more than two hundred thousand men; nor is she occupied in every session of her parliament, with any thing so much as with the increase of her land forces. The armies of Austria have been considerably increased. France, although she has armies more numerous than all the other powers, has, notwithstanding, fewer men under arms than any of them, compared with her population.

Your minister for foreign affairs assures me, that a strict alliance subsisted between your majesty and Russia. The armaments of Austria have often excited my solicitude. The same minister assures me, that the best understanding was kept up with Austria, and that her levies should duly be considered, either as precautions, or as the effect of apprehensions, which are forcibly impressed on every court, by the numerous agents which England continues in pay on the continent.

But if it does not belong to the business of my department to dive into the views and interests of states, and explore the fortuitous labyrinth of politics, it is at least my duty to neglect nothing to make your majesty's armies maintain, at all points, that just superiority which they ought to possess. The armies of Albania and Dalmatia, of Denmark, and of the Elbe, will not allow of any diminution under the circumstances of the moment.

What I have to propose to your majesty will give the army of Spain two hundred thousand men, without weakening the other armies; so that, notwithstanding the augmentation of our force beyond the Pyrenees, when the conscription of 1810 shall be called out, your majesty will have increased your armies of Germany, of the North, and of Italy, by more than eighty thousand men.

And when, in order to escape the crisis into which she has been drawn by a false as well as an angry policy, the English government exerting every where its activity, does not hesitate to combine, with the resources it draws from its inexhaustible finances and its formidable fleets, the arts of intrigue, of corruption, and imposture, would it be extraordinary that the immense population of France should hold out the spectacle of a million of armed men, ready to punish England and all those whom she may seduce; and present every where the same huge mass of force, to protect with the same shield the honor and security of France.

What other result, sire, is there to be expected from armies so numerous, and a position so formidable, but the speedy re-establishment of the tranquillity of Spain, that of a maritime peace, and of that general tranquillity, the object of your majesty's incessant wishes? Much blood will have been spilt, because a great number will have been ready to

shed it. A durable happiness, prepared by the combination of your powerful genius, will be the effect, sire, of the new proof of affection and attachment which your people will afford you, and of the noble aspect of that nation, which your majesty has pointed out to posterity, under the name of the great nation.

War minister, and under this denomination the organ of the French soldiers, allow me, sire, to be the interpreter of their sentiments for you. Your majesty shall always see us ready to sacrifice our lives for your glory, which is inseparable from national glory, to which you have so powerfully added, and for the important interests of the country.

I am, with respect, &c.

[This paper also contains the act of renunciation negociated between the prince of peace and Duroc, by which Charles the IV. and the prince of Asturias abdicated their right to the crown of Spain to Napoleon.]

Paris, Sept. 13.

Yesterday the emperor and king received the senate at the palace of St. Cloud, when the following address, voted in the sitting of the 5th, was presented to his majesty:

SIRE—The senate have listened with the liveliest emotion to the message of your imperial and royal majesty.

They have also received with a profound and respectful gratitude, the communication which your majesty has been pleased to make respecting the affairs of Spain, the constitution accepted by the junta, and the report presented to your majesty on the state of your armies in the several quarters of the globe.

They have unanimously adopted the *senatus consultum* which your imperial and royal majesty has proposed, and *one hundred and sixty thousand* brave men shall participate in the immortal fame of your numerous and formidable legions.

You believe in the peace of the continent, sire, but you will not suffer yourself to depend upon the errors and perverse calculations of foreign countries. Your majesty desires to defend solemn and voluntarily concluded treaties —to maintain a constitution freely discussed, adopted, and sworn to, by a national junta, to suppress a barbarous anarchy, which now covers Spain with blood and mourning, and threatens our frontier; to rescue the true Spaniards from a shameful yoke by which they are oppressed; to assure to them the happiness of being governed by a brother of your majesty; to annihilate the English troops, who unite their arms with the daggers of the banditti; to avenge the French blood, so basely shed; to put out of all doubt the security of France, and the peace of our posterity; to restore and complete the work of Louis XIV. to accomplish the wish of the most illustrious of your predecessors, and particularly of him who was by France most beloved; to extend your great power, in order to diminish the miseries of war, and to compel the enemy of the continent to a general peace, which is the sole object of all your measures, and

the only epoch for the repose and prosperity of our country.

The will of the French people is, therefore, sire, the same as that of your majesty.

The war with Spain is politic, just, and necessary.

The French, who are penetrated with affection for the hero whom they admire; who display so much enthusiasm whenever they have the good fortune to behold you, will answer the call of your majesty with zeal, and nothing shall shake the determination of the senate and the people to support your majesty, in every undertaking which you may judge necessary for the great interests of the empire.

May it therefore please your majesty to accept this new tribute of our respect, our attachment, and our fidelity.

SENATUS CONSULTUM.

The *senatus consultum* referred to in the above address, and which is in conformity with the minister of war's report, is of the following tenor:

Art. I. There are placed at the disposal of the government 80,000 conscripts, who are inscribed in the classes for 1806, 1807, 1808, 1809; 20,000 for each year.

II. These 80,000 conscripts may be immediately placed in active service.

III. The conscripts of the years 1806, 1807, and 1808, who were married before the publication of this decree, shall not be drawn for the above 80,000.

IV. The conscripts of the years 8, 9, 10, 11, 12, 13, and 14, who have answered to their conscription, and are not under orders for distribution in the army, shall be now freed from service; and from these classes no new levy shall be made.

V. Eighty thousand conscripts from the classes of the year 1810, are also placed at the disposal of government.

VI. These conscripts shall be allotted to the formation of corps for the defence of the coast, but shall not be called out before the 1st of January next, unless before that period some other power shall be in a state of war with France.—In this case, they may be immediately called into actual service.

VII. The present senatus consultum shall be transmitted by a message to the emperor and king.

In the sitting of the senate of the 10th of this month, the senator count Lacepede, in the name of the committee appointed to report on the object of the senatus consultum, made a report, which he introduced by a long speech, in the conclusion of which he thus expressed himself:—

The 80,000 brave men who march to fulfil the voice of their country, have already reached those years, in which it is necessary for them to prepare themselves for the fatigues of war.

What, when compared with the means of France, are those of such governments, as, spending in one year the revenues of several years, and wasting their most precious capitals, scarcely pay those soldiers raised with difficulty by the country, with an imaginary coinage, the ideal value of which decreases every day, while the welfare of the state, the riches of private individuals, and, what is still worse,

the good faith of all, are dragged into an abyss.

SECRET TREATY RELATIVE TO PORTUGAL.

No. I.

Secret treaty between his majesty the emperor of the French, by which the high contracting parties stipulate whatever relates to the future condition of Portugal.

Fontainbleau, Oct. 27, 1808.

His majesty the emperor of the French, king of Italy, and protector of the confederation of the Rhine, and his Catholic majesty the king of Spain, desirous to settle by common consent the interests of the two states, and to determine the future condition of Portugal in a manner conformable to the policy of the two countries, have named for their ministers plenipotentiary, that is to say, his majesty the emperor of the French, king of Italy, and protector of the confederation of the Rhine, general of division Michael Duroc, grand marshal of the palace, and grand ribbon of the legion of honor; and his Catholic majesty the king of Spain, don Eugenio Izquierdo de Ribera Y Lezaun, his honorary counsellor of state and war, and after having executed their respective powers, they have agreed as follows:—

Art. I. The provinces of Entremino and Duero, with the city of Oporto, shall be given, in full property and sovereignty, to his majesty the king of Etruria, under the title of king of Northern Lusitania.

II. The kingdom of Alentejo and the kingdom of the Algarbes, shall be given, in full property and sovereignty, to the prince of Peace, to be enjoyed under the title of prince of the Algarbes.

III. The provinces of Beira, Tras los Montes, and Portuguese Estramadura, shall remain as a deposit till a general peace, to be disposed of according to circumstances, as shall be agreed between the two high contracting parties.

IV. The kingdom of Northern Lusitania shall be possessed by the hereditary descendants of his majesty the king of Etruria, according to the laws of succession adopted by the reigning family of his majesty the king of Spain.

V. The principality of Algarbes shall be hereditary in the descendants of the prince of peace according to the laws of succession adopted by the reigning family of his majesty the king of Spain.

VI. In default of legitimate descendants or heirs of the king of Northern Lusitania, or of the prince of Algarbes, these countries will be given as an investiture to his majesty the king of Spain, on condition that they shall never be united under one head, or attached to the crown of Spain.

VII. The kingdom of Northern Lusitania, and the principality of Algarbes, also acknowledge as protector, his catholic majesty the king of Spain, and the sovereigns of those countries shall in no case make either peace or war without his consent.

VIII. In case that the provinces of Beira, Tras los Montes, and Portuguese Estramadura, held under sequestration, should be, at a general peace, returned to the house of Braganza, in exchange for Gibraltar, Trinidad, and other colonies that the English have conquered from the Spaniards and their allies, the new sovereign of this province would have, with respect to his majesty the king of Spain, the same obligation that the king of Northern Lusitania and the prince of Algarbes would have been under, and shall possess them subject to the same conditions.

IX. His majesty the king of Etruria cedes the full property and sovereignty of the kingdom of Etruria to his majesty the emperor of the French, king of Italy.

X. When the definitive occupation of the province of Portugal shall be effected, the respective princes which will be put in possession, shall jointly name commissioners to determine the proper limits.

XI. His majesty the emperor of the French, king of Italy, becomes guarantee to his catholic majesty the king of Spain, for the possession of his estates on the continent of Europe, south of the Pyrenees.

XII. His majesty the emperor of the French, king of Italy, agrees to acknowledge his catholic majesty the king of Spain, as emperor of both Americas, at such time as may be prepared for his majesty to assume this title, which may either be on the occasion of a general peace, or at least within three years.

XIII. It is understood between the two high contracting powers, that they will make an equal division of all the islands, colonies, and other ultra-marine property of Portugal.

XIV. The present treaty shall remain secret, shall be ratified, and the ratifications shall be exchanged at Madrid, at least twenty days after being signed.

Done at Fontainbleau, 27th Oct. 1808.

DUROC.

E. IZQUIERDO.

We have approved and do approve of the present treaty, and all and each of the articles contained. We declare that it was accepted, ratified, and confirmed, and we promise that it shall be inviolably observed. On the faith of which we have delivered this instrument, signed with our hand, countersigned and sealed with our imperial seal, at Fontainbleau, the 29th of Oct. 1808.

NAPOLEON.

Signed by the minister of exterior relations.

CHAMPAGNY.

For the emperor, the minister secretary of state.

HUGO MARET.

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No. II.

SECRET CONVENTION,

Signed at Fontainbleau, between his majesty the king of Spain, and his majesty the emperor of the French, by which the two high contracting parties determine what relates to the occupation of Portugal.

Fontainbleau, Oct. 27, 1808.

His majesty the emperor of

the French, king of Italy, and protector of the confederacy of the Rhine, and his catholic majesty the king of Spain, wishing to determine what relates to the occupation and conquest of Portugal, according to what has been stipulated by the treaty signed this day, have named, that is to say, his majesty emperor of the French, king of Italy, and protector of the confederacy of the Rhine, the general of division, Michael Duroc, grand marshal of his palace, and grand ribbon to the legion of honor, his catholic majesty the king of Spain, don Eugenio Izquierdo de Ribera Y Lezaun, his honorary counsellor of state and of war, which after having exchanged their full powers, have agreed to the following articles:—

Art. I. A body of imperial French troops, to the amount of 20,000 foot, and 3,000 horse, shall enter Spain, and march directly to Lisbon, where they will be united to a corps of 8,000 infantry and 3000 Spanish cavalry, with 30 pieces of artillery.

II. At the same time a division of Spanish troops to the number of 10,000, shall take possession of the province of Entre Mino and Duero, and of the city of Oporto, and another division of 6,000 Spanish troops shall take possession of the province of Alantejo and the kingdom of Algarbes.

PROCLAMATION BY THE DUKE OF ABRANTES, (JUNOT) GENERAL IN CHIEF OF THE ARMY IN PORTUGAL, &c. TO THE PORTUGUESE.

Portuguese—What madness has possessed you? Into what an abyss of evils would you plunge yourselves! After seven months of the most perfect tranquillity and harmony, what reason can make you take up arms, and against whom? Against an army who will insure your independence, and maintain the integrity of your country; without which you must cease to be Portuguese. Who could urge you thus to withdraw from your own interests? You wish, then, that the ancient Lusitania should become a province of Spain. What can you hope against a numerous army, valiant and inured to war, before which you will be dispersed as the sand of the desert, which is impetuously blown by the winds of the south! Do you not perceive that those who hurry you on, have no other object than to satisfy their own rage; and provided the continent was embroiled, their wish for blood would cease? If these perfidious insulters invade your territory, leave them for me to fight; it is the duty of my army; it is your part to be peaceable in your fields. I pity your error; but if it continues, and you remain deaf to my voice, the punishment shall be terrible. Can you regard a dynasty which has abandoned you, so that you are no more to be counted among the nations of rank in Europe? What can you desire more, than to be Portuguese, and independent? The great Napoleon has promised you this. You yourselves have asked him for a king who, aided by this all powerful and great monarch, might be able to recover your unhappy country, and place it in the rank to which it belongs. At this moment, doubtless, your new

monarch expects to approach you? But, instead of faithful subjects, he will find none but rebels. I hoped to place him in a peaceable kingdom, and I am to shew nothing but ruins and graves? Will he reign in a desolate country? No, by no means. You will not be any thing but a wretched province of Spain. Your customs, your laws, all have been maintained; your holy religion —and is it not ours? Has it suffered the least insult? On the contrary, is it not you that violate it? You suffer it to be influenced by heretics who only wish your ruin, and the destruction of your religion. Ask the unhappy Roman catholics of Ireland, under what oppression they groan in their own country, by the orders of their own government. In obeying the ministers of this holy religion, (of which the first precept is obedience and submission to the laws) who dare provoke you to murder and assassinate men who lived among you as among their brothers? Unhappily for them, they will pay dearly for the evils which they cause; and you also, unhappy Portuguese, will be the victims of it.

If any abuses still exist in the administration, every day's experience will diminish them. My decree, on the 14th of June, has already modelled an interesting part of the finance, in assuring to the soldiers their pay; the wages to the administrators and judges are also regularly paid.

The emperor Napoleon, satisfied from my reports, of the public spirit existing in this kingdom, has presented you with half the contribution, and it is now he will fulfill all the wishes you have formed.

Why will you let yourselves be dragged on by the influence of banditti at the very moment that you should gather the fruits of tranquillity; at the very moment you should be happy? Portuguese, you have but one moment to implore the clemency of the emperor, to disarm his wrath. Already the armies of Spain touch your frontiers; at every point you are lost, if you hesitate. Disperse your armies; return peaceably to your fire sides; imitate the tranquillity of your capital and the provinces that surround you; attend yourselves to the work of your agriculture; make up your harvests; a fine crop the sky ensures you, after the fears of a horrible famine, from which I have preserved you. Chase from amongst you those wretched brigands, of which the only aim is to pillage your towns; merit your pardon by a quick submission; by a prompt obedience of my orders, or behold the punishment that awaits you.

Every village or town in which the people have taken up arms against my army, and of which the inhabitants have fired upon my troops, shall be delivered up to pillage and entirely destroyed, and the inhabitants shall be put to the sword.

Every individual found in arms shall be shot in the field.

DUKE OF ABRANTES.

Head quarters,
Lisbon, June 18, 1808.

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PROCLAMATION BY SIR CHARLES COTTON, BART. ADMIRAL OF

THE BLUE, &c. COMMANDER IN CHIEF.

Inhabitants of Portugal—Deputies having reached me, from all parts of the kingdom, soliciting succour, aid and assistance, and stating to me the loyal, brave and manly determination of the people of Portugal to establish the government of their lawful prince, and emancipate their country from French oppression.

I send, agreeable to your request, ships, troops, arms and ammunition, and have directed the standard of his royal highness the prince regent of Portugal to be reared, round which every loyal Portuguese is hereby invited immediately to rally, and to take up arms in so just and glorious a cause.

To be successful, Portuguese, you must be unanimous; and, joined by your brave neighbors and friends, the Spaniards, you must not be intimidated by menaces, nor seduced by promises.

Some months experience must have convinced you of the effect of French friendship; it is now to British aid and assistance, aided by your own energy and efforts, that you will, I trust, be indebted for the restoration of your prince and the independence of your country.

C. COTTON.

Hibernia, off the Tagus, July 4.

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At the court at the queen's palace, the 4th of July, 1808,

Present, the king's most excellent majesty in council.

His majesty having taken into consideration the glorious exertions of the Spanish nation for the deliverance of their country from the tyranny and usurpation of France, and the assurances which his majesty has received from several of the provinces of Spain, of their friendly disposition towards this kingdom; his majesty is pleased, by and with the advice of his privy council, to order, and it is hereby ordered:

First. That all hostilities against Spain on the part of his majesty, shall immediately cease.

Secondly. That the blockade of all the ports of Spain, except such as may be still in the possession, or under the control of France, shall be forthwith raised.

Thirdly. That all ships and vessels belonging to Spain, shall have free admission into the ports of his majesty's dominions, as before the present hostilities.

Fourthly. That all ships and vessels belonging to Spain, which shall be met at sea by his majesty's ships and cruisers, shall be treated in the same manner as the ships of states in amity with his majesty, and shall be suffered to carry on any trade now considered by his majesty to be lawfully carried on by neutral ships.

Fifthly. That all vessels and goods belonging to persons residing in the Spanish colonies, which shall be detained by any of his majesty's cruisers, after the date thereof, shall be brought into port, and shall be carefully preserved in safe custody, to await his majesty's further pleasure, until it shall be known whether the said colonies or any of them, in which the owners of such ships

and goods reside, shall have made common cause with Spain against the power of France.

And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, the judges of the courts of vice admiralty, are to take such measures herein as to them may respectively appertain.

STEPHEN COTTRELL.

PROCLAMATION

By the hon. sir Alexander Cochrane, K. B. rear admiral of the red, and commander in chief of his majesty's ships and vessels employed, and to be employed at Barbadoes, the Leeward Islands, &c.

Whereas an intimation has been received from the right honorable lord viscount Castlereagh, one of his majesty's principal secretaries of state, that the strictest naval blockade is to be established over the leeward French Caribbean islands. The several captains, commanders, and commanding officers under my orders, are hereby authorised and directed, to stop all neutral vessels destined for any of the ports of the said islands; and if they shall appear to be ignorant of the existence of the blockade, and have no enemy's property on board, the masters of such neutral vessels shall be apprised thereof, and warned not to proceed to such ports, and a notice written to that effect upon one or more of the principal ship-papers.

But if a neutral vessel shall appear to have been so warned or to be otherwise informed of the existence of the blockade, or to have sailed from her last clearing port after it may be reasonably supposed that this notification might have been made public there, and yet be found attempting or intending to enter either of the ports of the said islands, such vessel shall be seized and sent into port for legal adjudication. And with respect to neutral vessels coming out of the said ports having any colonial produce, goods or merchandise on board, appearing to have been laden after knowledge of the blockade, such vessels shall in like manner be seized and sent in for legal adjudication.

Given on board the Belleisle, Carlisle Bay, Barbadoes, 14th October, 1808.

ALEX. COCHRANE.

By command of the rear-admiral,

JOHN S. TRACY.

Naples, August 1.

The impatience of the Neapolitan people is satisfied. They are now informed of the name of the prince to whom his majesty the emperor Napoleon has committed the charge of rendering us happy. It is the grand duke of Berg, the brother-in-law and companion in the field of his majesty. The following documents on this important subject, were yesterday communicated to the council of state, who had an ex-

traordinary meeting for this purpose:

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ROYAL DECREE.

Joachim Napoleon, king of the Two Sicilies, having heard of the report of the minister for foreign affairs, has decreed as follows:

Art. I. The title we assume on ascending the throne of the Two Sicilies, is the following:

Joachim Napoleon, by the grace of God and the constitution of the state, king of the Two Sicilies, and grand admiral of the empire.

II. The present decree shall be inserted in the bulletin of the laws, and communicated to all the departments of the state.

III. Our minister for foreign affairs, and our other ministers, are charged, each in his own department, with the execution of the present decree.

JOACHIM NAPOLEON.

Given at Bayonne, July 20.

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PROCLAMATION.

Joachim Napoleon, by the grace of God and the constitution, king of the Two Sicilies, grand admiral of the empire, to the people of the Two Sicilies.

His majesty the august emperor of the French, our dear and beloved brother-in-law, having ceded to us, conformably to the designs of divine Providence, the crown of the Two Sicilies, it affords us extreme satisfaction to find ourselves chosen to govern a people possessing the happy disposition proper to re-acquire that ancient glory which rendered their ancestors illustrious, and perpetuated their name to our days.

All our efforts, our constant study, shall be directed to second this enthusiasm, upon which depend the grandeur and prosperity of the country and our crown. The first duty which we impose upon ourselves, is to manifest to Europe, under all circumstances, the gratitude by which we are bound to the august emperor Napoleon; and to impress upon our people all the advantages which must result to them from the former close union of their interests with those of the great French empire.

The constitution proclaimed by our august predecessor, and guaranteed by his majesty the emperor, having been solemnly accepted by us, shall be inviolably observed; and shall form the basis of our government.

But as we find pleasure in following the steps of a sovereign who has made our people happy, we confirm in all the military, civil and political employments of the state, the persons by whom they are at present filled, and ordain that each of our subjects shall continue to enjoy the rank and pay which he received until this day, and exercise the functions with which he is invested.

It is our wish to appear soon in the midst of you, with the queen Caroline, our august spouse, with the prince royal Achilles Napoleon, and our young family, whom we shall have pleasure in entrusting to your love and fidelity. They will begin from this moment to imbibe the sentiments which

should attach them to the country, and to learn the duties which they will have to fulfil in contributing to the glory and happiness of the kingdom. For our part, we make no doubt that all the ministers and officers of the state will zealously endeavor strictly to perform their duty, each in his particular province, in order that our people may be assured of that justice which is their due.

All our subjects may rely on our good will and attachment.

JOACHIM NAPOLEON.

F. RICCARDI,

Sec'ry of state.

AMERICAN STATE PAPERS.

AMERICAN STATE PAPERS.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TO BOTH HOUSES OF CONGRESS AT THE COMMENCEMENT OF THE SECOND SESSION OF THE TENTH CONGRESS.

November 8, 1808.

To the Senate and House of Representatives of the United States.

IT would have been a source, fellow citizens, of much gratification, if our last communications, from Europe had enabled me to inform you, that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorising a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective governments there, our disposition to exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alledged on all sides had been reluctantly obstructed. As each of those governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestible rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their professions, and for restoring to the commerce of the United States its legitimate freedom. The instructions to our ministers, with respect to the different belligerents, were necessarily modified with a reference to their different circumstances, and to the condition annexed by law to the executive power of suspension, requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, for a suspension of the embargo as to her in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other, in the rela-

tions between this other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state explicitly, that on her rescinding her orders in relation to the United States, their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted as her orders of council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended, but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British orders. The arrangement has, nevertheless, been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that in return for the privations imposed by the measure, and which our fellow-citizens in general have borne with patriotism, it has had the important effects of saving our mariners, and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has, thus long frustrated those usurpations and spoliations which, if resisted, involved war, if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures, which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the union, the sentiments of our constituents, my confidence is strengthened that in forming this decision, they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues, which, on other occasions have marked the character of our fellow citizens, if I did not cherish an equal confidence, that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications, made to congress at their last session, explained the posture in which the

close of the discussions relative to the attack by a British ship of war on the frigate Chesapeake left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the British government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary it will be seen in the documents laid before you, that the inadmissible preliminary, which obstructed the adjustment, is still adhered to; and, moreover, that it is now brought into connection with the distinct and irrelevant case of the orders in council. The instructions which had been given to our minister at London, with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since your last session. The important negociations with Spain, which had been alternately suspended and resumed, necessarily experience a pause, under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary powers we continue in harmony, with the exception of an unjustifiable proceeding of the dey of Algiers towards our consul to that regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may either now or hereafter call for any measures not within the limits of the executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times taken place, but in no wise implicating the will of the nation. Beyond the Mississippi the Ioways, the Sacs, and the Alibamas, have delivered up for trial and punishment, individuals from among themselves, accused of murdering citizens of the United States. On this side of the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind, and the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally from a conviction that we consider them as a part of ourselves, and cherish, with sincerity, their rights and interests, the attachment of the Indian tribes is gaining strength daily, is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised towards them. Husbandry and household manufacture are advancing among them, more rapidly with the southern than northern tribes, from circumstances of soil and climate, and one of the two great divisions of the Cherokee nation, have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government in such progressive manner as we shall think best.

In consequence of the appro-

priations of the last session of congress for the security of our sea-port towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New-York and New-Orleans, where most was to be done: and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to congress for rendering its security entirely adequate against naval enterprize. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gun-boats authorised by the act of December last, it has been thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters most exposed, and the residue will require little time for their construction when it shall be deemed necessary. Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced, others have been added. We have reason to believe their success has been satisfactory, although such returns have not yet been received as enable me to present you a statement of the numbers engaged.

I have not thought it necessary, in the course of the last session to call for any general detachments of militia or of volunteers, under the laws passed for that purpose. For the ensuing season, however, they will be required to be in readiness, should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo, on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced, as soon as it could be done, by bodies of new recruits. By the aid of these, and of the armed vessels called into service in other quarters, the spirit of disobedience and abuse, which manifested itself early, and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion? Some of the states have paid a laudable attention to this object: but every degree of neglect is to be found among others. Congress alone having the power to produce an uniform state of preparation in this great organ of defence, the interests which they

so deeply feel in their own and their country's security, will present this as among the most important objects of their deliberation.

Under the acts of March eleventh and April twenty-third, respecting arms, the difficulty of procuring them from abroad during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have therefore been enlarged, additional machineries erected, and in proportion as artificers can be found or formed, their effect, already more than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent. The commerce with the Indians too, within our own boundaries, is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will hereafter be transmitted from the treasury. In the mean time it is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us after meeting the current demands, and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the treasury on that day near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars, will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and of our contracts, and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus.

The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union under the powers which congress may already possess, or such amendment of the constitution as may be approved by the states? While uncertain of the course of things the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this, the last occasion which will occur of addressing the two houses of the legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth my errors have been of the understanding, not of intention, and that the advancement of their rights snd interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that in their steady character, unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country, long ages to come of prosperity and happiness.

TH : JEFFERSON.

November 8, 1808.

DOCUMENTS ACCOMPANYING THE MESSAGE FROM THE PRESIDENT OF THE U. STATES AT THE COMMENCEMENT OF THE SECOND SESSION OF THE TENTH CONGRESS.

November 9, 1808.

Extracts of letters from Mr. Madison to Gen. Armstrong.

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Mr. Madison, secretary of state, to general Armstrong, minister plenipotentiary of the U. States at Paris.

(EXTRACTS.)

Department of State,
May 22, 1807.

The two last letters received from you were of December 24 and January 16.

The decree of November 21,

communicated in the first, had previously reached us, and had excited apprehensions which were repressed only by the inarticulate import of its articles, and the presumption that it would be executed in a sense not inconsistent with the respect due the treaty between France and the United States. The explanations given you by the minister of marine were seen by the president with much pleasure, and it only remains to learn that they have been confirmed by the express authority of the emperor. We are the more anxious for this information, as it will fortify the remonstrances which have been presented at London against the British order of January 7th. Should it, contrary to expectation, turn out that the French decree was meant, and is to operate according to the latitude of its terms, you will of course have made the proper representations, grounded as well on the principles of public law, as on the express stipulations of the convention of 1800. Nothing, besides, could be more preposterous than to blend with an appeal to neutral rights and neutral nations, a gross infraction of the former, and outrage on the sentiments of the latter; unless it be to invite a species of contest on the high seas, in which the adversary has every possible advantage. But on the more probable supposition that the decree will not be unfavorably expounded, it will be still necessary to press on the French government a dispatch of such orders to their cruisers, in every quarter, as will prevent a construction of the decree favorable to their licentious cupidity. The moment your letter was received, the answer of the French minister of marine to your note was communicated to general Turreau, with a call on him to transmit it immediately to the French governors in the West Indies. This he readily engaged to do. But notwithstanding this precaution, there are proofs that the West India privateers have, under color of the edict, committed depredations which will constitute just claims of redress from their government.

Mr. Erving has forwarded a Spanish decree also, avowedly pursuing the example and the views of the French emperor. The terms of this decree are even more vague, or rather more broad, than those of the prototype; and if not speedily recalled or corrected, will doubtless extend the scene of spoliations already begun in that quarter, and of course thicken the cloud that hangs over the amity of the two nations.

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EXTRACT OF A LETTER FROM MR. MADISON TO GENERAL ARMSTRONG.

Department of State,
Feb. 8, 1808.

Your letters and communications by doctor Bullus were duly delivered on the fourteenth day of December. The same conveyance brought a copy of the sentence pronounced by the French prize court in the case of the Horizon, giving a judicial effect to the decree of November 21, 1806, as expounded in the answer of Mr. Champagny to your letter of the 12th November, 1807.

Whilst the French government did not avow or enforce a meaning of the decree of November, 1806, in relation to the United States, extending its purview beyond the municipal limits, it could not in strictness be regarded as an infraction either of our neutral or conventional rights; and consequently did not authorise more than a demand of seasonable explanations of its doubtful import, or friendly expostulations with respect to the rigor and suddenness of its innovations.

The case is now essentially changed. A construction of the decree is avowed and executed, which violates as well the positive stipulations of the convention of September 30th, 1800, as the incontestible principles of public law; and the president charges you to superadd to whatever representations you may have previously made, a formal remonstrance in such terms as may be best calculated either to obtain a recall of the illegal measure, so far as it relates to the United States, or to have the effect of leaving in full force all the rights accruing to them from a failure to do so.

That the execution of local laws against foreign nations on the high seas, is a violation of the rights of the former and the freedom of the latter, will probably not be questioned. A contrary principle would in fact imply the same exclusive dominion over the entire ocean as is enjoyed within the limits of the local sovereignty, and a degradation of every other nation from its common rights and equal rank.

If it be contended that the decree, as a retaliation on the other belligerent, at the expense of neutral nations, is justified by a culpable acquiescence in the prior measures of that belligerent, operating through neutrals, you will be able to deny such acquiescence, and to urge moreover that, on every supposition, the retaliating measure could not be justly enforced in relation to neutrals, without allowing them at least a reasonable time for chusing between due measures against the prior wrong and an acquiescence in both. The copy of the representations to the British government through its minister here, on the subject of its orders of January, 1807, will at once disprove an acquiescence on the part of the United States, and explain the grounds on which the late extension of the French decree of November, 1806, is an object of just remonstrance.

The conduct of the French government in giving this extended operation to its decree, and in issuing one with such an apparent or doubtful import against the rights of the sea, is the more extraordinary, inasmuch as the inability to enforce it on that element exhibited the measure in the light of an empty menace, at the same time that it afforded pretexts to her enemy for severe retaliations, for which ample means are found in her naval superiority.

The accumulated dangers, to which the illegal proceedings of the belligerent nations have subjected the commerce and navigation of the United States, have at length induced congress to resort to an embargo on our own vessels, as a measure best fitted for

the crisis; being an effectual security for our mercantile property and mariners now at home and daily arriving, and at the same time neither a measure nor just cause of war. Copies of this act were soon after its passage transmitted to Mr. Pinkney, with authority to assure the British government that it was to be viewed in this light; and that it was not meant to be the slightest impediment to amicable negociations with foreign governments. He was requested to avail himself of an opportunity of communicating to you and Mr. Erving this view of the subject, and I hope that you will have been thence enabled to present it to the French government. Not relying however on that indirect opportunity, I send by this another copy of the act, with an instruction from the president, that you make it the subject of such explanations as will guard against any misconception of the policy which led to it. It is strictly a measure of precaution required by the dangers incident to external commerce, and being indiscriminate in its terms and operation towards all nations, can give no just offence to any. The duration of the act is not fixed by itself; and will consequently depend on a continuance or cessation of its causes in a degree sufficient in the judgment of the legislature to induce or forbid its repeal. It may be hoped that the inconveniences felt from it by the belligerent nations, may lead to a change of the conduct which imposed the inconveniencies of it on ourselves. France herself will be a sufferer, and some of her allies far more so. It will be very agreeable to find in that consideration, and still more in her sense of justice, a sufficient motive to an early manifestation of the respect due to our commercial rights. The example would be worthy of the professions which she makes to the world on this subject.

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February 18.

Since the above was written, I have been under a degree of indisposition which has suspended the proposed continuation of it, and which now will oblige me to be very brief; the more so, as the vessel has been some days detained, which was engaged for the special purpose of conveying public dispatches and private letters to Europe.

The delay has enabled me to inform you, that Mr. Erskine, a few days ago, communicated by instructions from his government, its late decrees of November 11th, and those forming a sequel to them. The communication was accompanied with assurances that much regret was felt by his Britannic majesty, at the necessity which the conduct of his enemy had created for measures so embarrassing to neutral commerce, and that his majesty would readily follow an example of relinquishing such a course, or even of making relaxations, pari passu, with his enemy.

Whether these intimations have any reference to the distinction between such parts of the French decree as operate municipally on shore, and such as operating on the high seas, violate the rights of neutrals, or to a distinction between the former

restriction and the late extension of the decree with respect to the United States, Mr. Erskine did not seem authorised to say. The probability is, that neither of these distinctions entered into the views of the British cabinet. But it is certainly neither less the duty nor the true policy of the emperor of the French so to vary his decree as to make it consistent with the rights of neutrals and the freedom of the seas, and particularly with his positive stipulations to the United States. This may be the more reasonably expected, as nothing can be more clear, as has been already observed, than that the effect of the decree, as far as it can be carried into effect, would not be sensibly diminished by abolishing its operation beyond the limits of the territorial sovereignty.

In remonstrating against the injustice and illegality of the French decree, I am aware that you may be reminded of antecedent injuries to France and her allies through British violations of neutral commerce. The fact cannot be denied, and may be urged with great force, in our remonstrances against the orders to which Great Britain have given a retaliating character; since the French decree might on the same ground be pronounced a retaliation on the preceding conduct of Great Britain. But ought the legitimate commerce of neutrals to be thus the victim and the sport of belligerents contesting with each other the priority of their destructive innovations; and without leaving, either of them, to neutrals, even the opportunity or the time for disproving that culpable acquiescence which is made the pretext by both for the wrongs done to them? And I must repeat that, apart from all questions of this nature, the French decree, or at least the illegal extensions of it to the United States, remain chargeable with all the impolicy which has been pointed out.

I find by accounts from Hamburg, Bremen, Holland and Leghorn, that the trade and property of our citizens have been much vexed by regulations subaltern to those of the original decree of November 21, 1806. How far the complaints are founded on proceedings violating our public rights, or on such as are unfriendly and inequitable towards our citizens who have placed their property within those jurisdictions, you will be able to decide better than we can do at this distance; and the president refers to your own judgment the kind of representation to the French government which those and other analogous cases may require.

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EXTRACTS OF A LETTER FROM MR. MADISON TO GENERAL ARMSTRONG.

Department of State,
May 2, 1808.

Since my last, of which lieut. Lewis was the bearer, I have received your several letters of 27th December, 22d January, 15th and 17th February, with their respective inclosures.

That of the 15th January from Mr. Champagny to you, has, as you will see by the papers herewith sent, produced all the sensations here which the spirit and

stile of it were calculated to excite in minds alive to the interests and honor of the nation. To present to the United States the alternative of bending to the views of France against her enemy, or of incurring a confiscation of all the property of their citizens carried into the French prize courts, implied that they were susceptible of impressions by which no independent and honorable nation can be guided, and to prejudge and pronounce for them the effect which the conduct of another nation ought to have on their councils and course of proceeding, had the air, at least, of an assumed authority, not less irritating to the public feelings. In these lights, the president makes it your duty to present to the French government the contents of Mr. Champagny's letter; taking care, as your discretion will doubtless suggest, that whilst you make that government sensible of the offensive tone employed, you leave the way open for friendly and respectful explanations, if there be a disposition to offer them; and for a decision here on any reply which may be of a different character.

Congress closed their session on the 25th ult. For a general view of their proceedings, I refer to the series of newspapers heretofore and now forwarded, and to other prints which are added. Among their acts of chief importance, is that which vests in the president an authority to suspend in whole or in part the embargo laws.

The conditions on which the suspending authority is to be exercised, will engage your particular attention. They appeal equally to the justice and the policy of the two great belligerent powers, now emulating each other in violations of both. The president counts on your best endeavors to give to this appeal all the effect possible with the French government. Mr. Pinkney will be doing the same with that of Great Britain. The relation in which a recall of its retaliating decrees by either power, will place the United States to the other is obvious; and ought to be a motive to the measure proportioned to the desire which has been manifested by each, to produce collisions between the United States and its adversary: and which must be equally felt by each to avoid one with itself.

Should wiser councils or increasing distresses induce Great Britain to revoke her impolitic orders against neutral commerce, and thereby prepare the way for a removal of the embargo as it applies to her.—France could not persist in the illegal part of her decrees, if she does not mean to force a contest with the United States. On the other hand should she set the example of revocation, Great Britain would be obliged, either by following it, to restore to France the full benefit of neutral trade which she needs, or by persevering in her obnoxious orders after the pretext for them had ceased, to render collisions with the United States inevitable.

In every point of view, therefore, it is so clearly the sound policy of France, to rescind so much at least of her decrees as trespass on neutral rights, and particularly to be the first in taking the retrogade step, that it

cannot be unreasonable to expect that it will be immediately taken.

In whatever degree the French government may be led to change its system, you will lose no time in transmitting the information to this department, and to Mr. Pinkney, and by hired conveyancess, if necessary. A correspondent instruction is given to Mr. Pinkney.

It is of the greatest importance that you should receive from each other the earliest notice of any relaxations, as each government is under a pledge to follow such an example by the other. And it is not of less importance that the president or congress should be acquainted with the facts, that the proceedings here may be accommodated to them.

That you may know the grounds upon which the British orders in November have been arraigned by this government, I enclose a copy of the answer to Mr. Erskine's note communicating them, a copy of the note being also inclosed.

The other documents communicated will put you in full possession of the relations of the United States with Great Britain, as resulting from the issue of our general negociations, and from that of the mission of Mr. Rose.

This dispatch is forwarded by Mr. Baker, who takes his passage from Baltimore, in a vessel engaged as was the Osage, which sailed from New York for the special purpose of public and mercantile correspondences with Europe. She will proceed, in the first instance, to L'Orient, where she will leave Mr. Baker, and thence proceed with dispatches for Mr. Pinkney to Falmouth, where she will remain a few days to receive communications from him: she will then return to L'Orient, in order to bring back Mr. Baker with your communications.

MR. MADISON TO GENERAL ARMSTRONG.

Department of State,
July 21, 1808.

Sir—Herewith you will receive a copy of the papers relating to one of the vessels which were destroyed at sea by the French frigates returning from the West Indies. I observe that in your letter to M. Champagny, of the 2d of April, you have incidentally noticed this occurrence. If ample reparation should not have been made to the sufferers, the president thinks it proper, that as their cases becomes authenticated, you should present them in terms which may awaken the French government to the nature of the injury and the demands of justice. The burning of neutral vessels detained on the high seas is the most distressing of all the modes by which the belligerents exert force contrary to right; and in proportion as it is destitute of apology, ought at least to be the prompitude and amplitude of the redress. If it be contended that the destruction in these cases proceeded solely from the danger that, otherwise, intelligence might reach a pursuing or hovering force, it may be answered, that if such a plea were of greater avail, it would only disprove a hostility of intention, without diminishing the

obligation to indemnify, on the most liberal scale, the injured individuals. It may be added, that if the outrage on the individuals was not meant as a hostility towards their nation, the latter might justly expect a tender of such explanations as would leave no doubt on this subject.

I have the honor to be, &c.

JAMES MADISON.

General Armstrong, minister plenipotentiary of the United States—Paris.

EXTRACT OF A LETTER FROM MR. MADISON TO GENERAL ARMSTRONG.

Department of State,
July 22d, 1809.

Your dispatches by lieutenant Lewis were delivered on the 8th instant.

It is regretted that the interval between his arrival and the date of your letter to Mr. Champagny, during which I presume some verbal intercommunication must have taken place, had produced no indication of a favorable change in the views of the French government with respect to its decrees; and still more that instead of an early and favorable answer to your letter, it should have been followed by such a decree as is reported to have been issued on the 22d April, at Bayonne. The decree has not yet reached the United States, and therefore its precise import cannot be ascertained. But if it should be, as it is represented, a sweeping stroke at all American vessels on the high seas, it will not only extend our demands of reparation, but is rendered the more ominous with respect to the temper and views of the emperor towards the United States by the date of the measure.

The arrival of Mr. Baker with my letter of May 2d, of which a copy is herewith sent, will have enabled you to resume the subject of the decrees with the fairest opportunity that could be given to the French government for a change of the unjust and unwise course which has been pursued, and I assure myself that you will not have failed to turn the communications with which you are furnished to the best account. If France does not wish to throw the United States into the war against her, for which it is impossible to find a rational or plausible inducement, she ought not to hesitate a moment in revoking at least so much of her decrees as violate the rights of the sea, and furnish to her adversary the pretext for his retaliating measures. It would seem as if the imperial cabinet had never paid sufficient attention to the smallness of the sacrifice which a repeal of that portion of its system would involve, if an act of justice is to be called a sacrifice.

The information by the return of the Osage from England, is not more satisfactory than that from France. Nothing was said on the subject of the Chesapeake, nor any thing done or promised as to the orders in council. It is probable that further accounts from the United States were waited for, and that the arrival of the St. Michael will have led to a manifestation of the real views of that government on those and

other subjects. In the mean time it cannot be doubted that hopes were cherished there of some events in this country favourable to the policy of the Orders, and particularly that the offensive language and proceedings of France, would bring on a hostile resistance from the United States; in which case the British government would be able to mould every thing to its satisfaction. There is much reason to believe that if the British government should not concur in a mutual abolition of the orders and of the embargo, it will result from an unwillingness to set an example which might be followed and might consequently put an end to the irritating career of her enemy, on which the calculation is built. Might not use be made of this view of the matter in those frank and friendly conversations which sometimes best admit topics of a delicate nature, and in which pride and prejudice can be best managed, without descending from the necessary level? In every view it is evidently proper, as far as respect to the national honor will allow, to avoid a style of procedure which might cooperate with the policy of the British government, by stimulating the passions of the French."

COPIES AND EXTRACTS OF LETTERS FROM GEN. ARMSTRONG, TO THE SECRETARY OF STATE.

[*Duplicate.*]

GENERAL ARMSTRONG TO MR. MADISON.

Paris, November 12, 1807.

Sir—It was not till yesterday, that I received from Mr. Skipwith a copy of the decree of the council of prizes in the case of the Horizon. This is the first unfriendly decision of that body under the arrete of the 21st of November, 1806. In this case, and on the petition of the defendant, the court has recommended the restitution of the whole cargo. I did not, however, think proper to join in asking as a favor, what I believed myself entitled to as a right. I subjoin a copy of my note to the minister of foreign affairs, and am, sir,

Your most obedient,
and very humble servant,
JOHN ARMSTRONG.

Note of general Armstrong.—"in the former copy nearly a page of this letter was omitted by the copier."

THE SAME TO M. CHAMPAGNY.

Paris, November 12, 1807.

Sir—The document to which these observations are prefixed will inform your excellency, that an American ship, trading under the protection of the laws of nations, and of particular treaties, and suffering shipwreck on the coast of France, has recently been seized by his majesty's officers, and adjudged by his council of prizes as follows, viz.

"Our council puts at liberty the American vessel the Horizon, shipwrecked the 30th of May last, near Morlaix, and consequently orders that the amount arising from the sale legally made of the wreck of the said vessel, together with the merchan-

dize of the cargo, which, according to an estimate made in presence of the overseers of the administrations of the marine and custom-house, shall have been acknowledged not to proceed from English manufactures, nor from English territory, shall be restored to captain Mac Clure, without deducting any other expenses than those relative to the sale: and with regard to the other merchandize of the cargo, which from the result of the said estimate, shall be acknowledged to come from English manufactures or English territory, by virtue of the 5th article of the decree of the 21st of November, 1806, it shall be confiscated for the use of the state: the whole to be sold by the forms prescribed in the regulations, and the application of the product to be made in conformity to the arrangements of the said decree; deduction being made for the expense of saving the goods, and that of the support of the crew, until the day that the captain shall receive the notification of the present decision."

The reasons upon which this decision is founded are at once so new, and so alarming to the present friendly relations of the two powers, that I cannot but discuss them with a freedom, in some degree proportioned to my sense of their novelty and importance.

"Considering," says the council,

"1st. That the neutrality of the ship and cargo were sufficiently established, the whole ought to be restored (agreeably to the provisions of the convention of the 30th of September, 1800) provided no merchandize of English origin had been found in her, and, of course, that she had not been brought within the limits of the imperial decree of the 21st of November, 1806."

Here is an open and unqualified admission, that the ship was found within the rules prescribed by the convention of 1800, that according to these rules, her cargo and herself ought to have been restored; and that such would have been the fact, but for the operation of the decree of the 21st of November, 1806.

In the letter your excellency did me the honor to write to me on the 7th of October last, you thought it "easy to reconcile the obligations of this decree with the preservation of those arising from treaties." It was not for me to examine the means by which this reconciliation was to be effected: they, no doubt, fully existed, and yet exist, in his majesty's good pleasure; and, taking for granted this fact, I saw in the opinion nothing but proofs of friendly dispositions, and pledges that these were not to be either wantonly destroyed or diminished. How inauspicious, however, to its authority, and the consolations derived from it, is this recent act of the council of prizes? An act, which explicitly acknowledges the opposite characters and conflicting injunctions of these two instruments, and which of course, draws after it considerations the most serious to the government of the United States.

The second reason of the council is.

"That the decree declaring (British) merchandize good prize had principally in view captures made on the high seas; but that the question, whether shipwreck-

ed goods ought to be restored or confiscated, having always been judged under the 14th article of the regulation of the 26th of July, 1778, and according to their character (which might have rendered lawful, or have even commended, their seizure at sea) there is no room to introduce, in this case, any new distinction, which, however philanthropic it may appear, has not as yet been adopted as a rule by any maritime nation."

The doctrine resisted in this passage, and which inculcates the duty of extending protection to the unfortunate, is not new to his majesty's council of prizes. They have themselves consecrated it by their decision of the 5th of March, 1800. By that decision they restored an enemy's ship (the Diana) on the *single reason*, that she had been "*compelled to enter a French port by stress of weather.*" "I should equally fail," says the attorney general, "in respect to myself, and to the council, before whom I have the honor to represent the government, *were I not to maintain a principle, consecrated by our laws, and by those of all nations.* In all circumstances, let the loyalty of the French government serve as the basis of your decisions. Prove yourselves at once generous and just; your enemies will know, and respect your magnanimity." Such was the principle adopted by the council in the year 1800, and in the case of an enemy's ship; yet, we are now told, that this very principle, so honorable to the court, to the nation, and to human nature, is utterly unknown to all maritime people; and on what occasion do we hear this? When an enemy's ship is again thrown on the French coast? No: it has been reserved for the wreck of a neutral and friendly vessel! for a ship of the United States! It is not denied, that had this ship escaped the rocks and made the port of Morlaix, the only inhospitality to which she would have been exposed (under the most rigorous interpretation of the law in question) would have been that of being ordered again to sea. Has, then, the misfortune of shipwreck, so far altered her condition, as to expose her to the injury of confiscation also? and, is this among the principles which the defender of maritime rights means to consecrate by his power and his wisdom? It is impossible.

The third reason of the council is, "that the application of the 5th article aforesaid, in as far as it concerns the American and other nations, is the result both of the general expressions of that very article, and of the communication recently made by his excellency, the grand judge, concerning the primitive intention of the sovereign."

This reason will be found to be substantially answered in my reply to reason No. 5, of the council. It will be seen that the opinion given here, that "the application of article 5, of the imperial decree to American commerce, is the result of the general expressions of that very article," was not the opinion of the council on the 5th of March last, when they judged the case of the Hibernia; they then declared, in *totidem verbis*, that the decree "said

nothing of its own influence on the convention of 1800," between the United States and France.

The fourth reason of the council is, "that the expedition in question having certainly been made with full knowledge of the said decree, no objection can be drawn, with any propriety, from the general rules forbidding a retrospective action, nor even, in this particular case, from the posterior date of the act in which the sovereign decides the question, since that act sprung from his supreme wisdom, not as an interpretation of a doubtful point, but as a declaration of an anterior and positive disposition."

A distinction is here attempted to be taken, between the interpretation of a doubtful point, and the declaration of an anterior and positive rule. This distinction cannot be maintained; for if the rule had been positive, there would have been no occasion for the declaration. Neither the minister of marine, nor the council of prizes, could have had any doubts on the subject; the execution of the decree would have been prompt and peremptory; nor would a *second act* on the part of his majesty, after the lapse of twelve months, have been necessary to give operation to the first. Need I appeal to your excellency's memory for the facts on which these remarks turn? You know that doubts did exist. You know that there was, under them, *much hesitation* in pronouncing. You know, that as late as the 9th of August, I sought an explanation of the decree in question, and that, even then, your excellency (who was surely a competent and legitimate organ of his majesty) did not think yourself prepared to give it. The conclusion is inevitable: his majesty's answer transmitted to the court of prizes on the 18th of September last, through the medium of the grand judge, was in the nature of an *interpretation*, and being so, could not, without possessing a retro-active quality, apply to events many months anterior in date to itself.

The fifth reason of the council, and the last which enters into my present view of the subject, is, "that though one of the principal agents of his majesty had given a contrary opinion, *of which the council had at no period partaken:* this opinion being that of an individual, could not (whatever consideration its author may merit) balance the formal declaration given in the name of his majesty himself, and that, if the communication of this opinion had, as is alleged, given room to, and served as a basis for many American shipments, and particularly of the one in question, this circumstance, which may call for the indulgence of his majesty, in a case in which the confiscation is entirely to the advantage of the state, does not prevent a council, rigid in its duty, to pronounce in conformity to the decree of the 21st of November, and of the declaration which followed it."

It would appear from this paragraph, that, not finding it easy to untie the knot, the council had determined to cut it. Pressed by the fact, that an interpretation of the decree had been given by a minister of his majesty, specially charged with its execution, they would now escape from this fact, and from the conclusions to which it evidently leads, by alleging,

ed goods ought to be restored or confiscated, having always been judged under the 14th article of the regulation of the 26th of July, 1778, and according to their character (which might have rendered lawful, or have even commended, their seizure at sea) there is no room to introduce, in this case, any new distinction, which, however philanthropic it may appear, has not as yet been adopted as a rule by any maritime nation."

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The fifth reason of the council, and the last which enters into my present view of the subject, is, "that though one of the principal agents of his majesty had given a contrary opinion, *of which the council had at no period partaken:* this opinion being that of an individual, could not (whatever consideration its author may merit) balance the formal declaration given in the name of his majesty himself, and that, if the communication of this opinion had, as is alleged, given room to, and served as a basis for many American shipments, and particularly of the one in question, this circumstance, which may call for the indulgence of his majesty, in a case in which the confiscation is entirely to the advantage of the state, does not prevent a council, rigid in its duty, to pronounce in conformity to the decree of the 21st of November, and of the declaration which followed it."

It would appear from this paragraph, that, not finding it easy to untie the knot, the council had determined to cut it. Pressed by the fact, that an interpretation of the decree had been given by a minister of his majesty, specially charged with its execution, they would now escape from this fact, and from the conclusions to which it evidently leads, by alleging,

1st. That at no time had the council partaken of the opinion given by the minister: and

2d. That this opinion being that of an individual, could not possess either the force or authority of one truly ministerial.

It appears to me, as I think it will appear to your excellency, that the council have, in these statements, been less correct than is usual to them on similar occasions. If, as they now assert, they have never partaken of the minister's opinion; if they have never even hesitated on the question, whether the decree of November did, or did not, derogate from the treaty of 1800; why, I ask, suspend the American cases generally? Or, why, decide as they did in the case of the Hibernia? If I mistake not, we find in this case, the recognition of the very principle laid down by the minister of marine. That officer says: "In my opinion the November decree does not work any change in the rules at present observed, with respect to neutral commerce, and consequently none in the convention of the 8th Vendemaire, year 9." And what says the council? "*Admitting* that this part of the cargo (the rum and ginger) was of British origin, the dispositions of the November decree *(which contain nothing with regard to their own influence over the convention of the 8th Vendemaire, year 9)* evidently cannot be applied to a ship leaving America on the 6th of the same month of November; and, of course, cannot have authorized her capture, in the moment she was entering the neutral part of her destination." We have here, three distinct grounds of exemption from the effects of the November decree.

1st. The *entire silence* of that decree, with regard to its own influence over the convention of 1800.

2d. The *early period* at which the ship left the United States, and,

3d. The *neutral character* of the port to which she was destined.

If such, sir, were the principles admitted by the council on the 25th of March last, with what correctness can it be now said, "that at no period have they partaken of the opinion of the minister!"

The second fact asserted by the council is, that the interpretation of the decree in question, given on the 24th of December, 1806, was *private*, not *public*; or, in other words, that it was the interpretation of the *man*, not that of the *minister*, and as such cannot outweigh the more recent declaration coming directly from his majesty himself.

On the comparative weight of these declarations, I shall say nothing, nor shall I do more to repel the first part of the insinuation (*that the minister's declaration was that only of the individual*) than to submit to your excellency my letter of the 20th of December, 1806, claiming from that minister an *official* interpretation of the decree in question, and his answer of the 24th of the same month, giving to me the interpretation demanded.

To your excellency, who, as late as the 21st of August last, considered the minister of marine as the natural organ of his majesty's will, in whatever re-

garded the decree aforesaid, and who actually applied to him for information relating to it; this allegation of the council of prizes, and the reasoning founded upon it, cannot but appear very extraordinary, and will justify me in requesting that his majesty may be moved to set aside the decision in question, on the ground of error in the opinion of the council.

If, in support of this conclusion, I have drawn no arguments from the treaty of 1800, nor from the laws of nations, your excellency will not be at a loss to assign to this omission its true cause. It would surely have been a useless formality to appeal to authorities, not only practically, but even professedly extinct. In the letter of the minister of justice, of the 18th of September, we are told by his majesty himself, that "since *he* had not judged proper to make any exception in the letter of his decree, there was no room to make any in its execution." And in the report of your excellency's predecessor, of the 20th of November, 1806, we have these memorable words:

"England has declared those places blockaded, before which she had not a single ship of war.

"She has done more, for she has declared in a state of blockade, places, which all her assembled forces were incapable of blockading—immense coasts, and a vast empire.

"Afterwards, drawing from a chimerical right, and from an assumed fact, the consequence that she might justly make her prey, of every thing going to the places laid under interdiction, by a simple declaration of the British admiralty, and of every thing arising therefrom, and carrying this doctrine into effect, she has alarmed neutral navigators, and driven them to a distance from ports whither their interests attracted them, and which the law of nations authorized them to frequent.

"Thus it is, that she has turned to her own profit, and to the detriment of Europe, but more particularly of France, the audacity with which she mocks at *all rights, and insults even reason itself.*

"Against a power which forgets to such a pitch all ideas of justice, and all humane sentiments, *what can be done, but to forget them for an instant oneself?*"

Words cannot go further to shew the extinguished authority, in the one case, of the treaty subsisting between the United States and his imperial majesty, and, in the other, of the law of nations; to appeal to them, therefore, would be literally appealing to the dead.

Accept sir, &c. &c. &c.

JOHN ARMSTRONG.

To his excellency the minister of foreign relations.

GENERAL ARMSTRONG TO MR. MADISON.

Paris, 1st Dec. 1807.

SIR—I have this moment received a letter from his majesty's minister of foreign relations, of which I subjoin a copy, and am, sir,

With very high consideration,
Your most obedient, and
Very humble servant,

JOHN ARMSTRONG.

M. CHAMPAGNY TO GENERAL ARMSTRONG.

(TRANSLATION.)

Milan, 24*th Nov.* 1807.

SIR—The execution of the measures taken against the English commerce has frequently caused reclamations on your part. The intention of his majesty, without doubt is, that every particular abuse may be repressed: but the federal government cannot make any complaint against the measures themselves, and while the United States allow that their vessels may be visited by England, that she may drag them into her ports and turn them from their destination; while they do not oblige England to respect their flag and the merchandise which it covers; while they permit that power to apply to them the absurd rules of blockade which it has set up with the view of injuring France; they bind themselves by that tolerance towards England to allow also the application of the measures of reprisals which France is obliged to employ against her. His majesty regrets, without doubt, to have been forced to recur to such measures: he knows all that the commercial classes may have to suffer in consequence of them, particularly those, who, having habitual relations with England, using a common language, and often mixing their interests, might more frequently occasion an apprehension of some commercial connivance with the English, inasmuch as they would have greater facilities in covering it. This circumstance made it necessary to use towards them precautions more exact, and an unceasing watchfulness, in order not to be exposed to abuses, which might result from a less constant vigilance. But it is not to France, it is to England that these inconveniencies to individuals ought to be imputed. She it is who has given the example of measures unjust, illegal, and infringing on the sovereignty of nations. To oblige her to renounce them, it has become necessary to combat her with her own arms: in violating the rights of all nations, she has united them all by a common interest, and it is for them to have recourse to force against her; to forbid her the search (la visite) of their vessels; the taking away of their crews; and to declare themselves against measures which wound their dignity and their independence. The unjust pretensions of England will be kept up as long as those, whose rights she violates, are silent; and what government has had more to complain of against her than the United States? All the difficulties which have given rise to your reclamations, sir, would be removed with ease, if the government of the United States, after complaining in vain of the injustice and violations of England, took with the whole continent the part of guaranteeing itself therefrom. England has introduced into the maritime war an entire disregard for the rights of nations: it is only in forcing her to a peace that it is possible to recover them. On this point the interest of all nations is the same. All have their honor and their independence to defend.

Accept, sir, &c. &c. &.

CHAMPAGNY.

EXTRACT FROM A LETTER OF GENERAL ARMSTRONG TO MR. MADISON, DATED

Paris, 17*th February*, 1808.

Inclosed is a copy of the answer from the minister of marine to my letter of the 13th instant, in relation to the sale of a part of the cargo of the ship James Adams. It would now appear, that the promises of forbearance made by another department, are applicable only to vessels sequestered in the ports, and not to such as have been captured at sea.

—

[5th division of prizes.]

EXTRACT FROM A LETTER OF THE MINISTER OF MARINE TO GEN. ARMSTRONG, DATED

Paris, 15*th February*, 1808.

(TRANSLATION.)

I observe to you moreover that the question now is not as to a vessel sequestered in port; but as to a prize made at sea, and seized for a contravention of the decree of the 17th December last: that the provisional sale ordered on account of the "average" is for the interest as well of the captured, as of the captors, and it is directed according to the case provided for by the regulation of the 2d Prairéal, 11th year.

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(EXTRACT.)

GEN. ARMSTRONG TO MR. MADISON.

Paris, 5*th April*, 1808.

I received the dispatches you did me the honor to address to me by Mr. Lewis, on the 26th ult.

Though I had complained often and earnestly of both the principles and operation of the emperor's decrees of November, 1806, and December, 1807, (having written at least twenty notes on the different cases which have arisen under them) yet, as the president's orders were express, that on receipt of your letter I should superadd to whatever representations might have been previously made, a formal remonstrance against those decrees, I did not lose a moment in writing and presenting the inclosed note; the terms of which will, I hope, appear to be such as were proper or necessary to the case, and calculated either to obtain a recall of the illegal measures, or to leave in full force the rights accruing to the United States from a failure on the part of France to recall them. To this note I have not yet received an answer, nor have I reason to expect one soon, as the emperor has left Paris (it is said for Spain) and had, at no time before he set out, indicated any alteration in the views which originally produced the decrees in question.

Mr. Pinkney found means (in the return to the continent of M. d'Alopeus) to communicate the president's views on the subject of the general embargo, and particularly the desire he had, that it should not be considered as a measure of hostility against any foreign nation. Some explanations of this kind were perhaps necessary in England, where, from the misrepresentations of our own people, the character of

the policy was likely to be misunderstood; but as neither the same, nor any other reason existed for making them here, none have been offered.

—

GEN. ARMSTRONG TO M. CHAMPAGNY.

Paris, April 2d, 1808.

SIR—Having submitted to the government of the United States, copies of the imperial decrees of the 21st of November, 1806, and 17th of December, 1807, and of the expositions which your excellency has been pleased, at different times, to give of them, I have recently received the instructions of the president to remonstrate against both the provisions and operation of the said decrees, on the ground of their infracting, as well the positive stipulations of a particular treaty, as the incontestible principles of public law.

In discharging this duty, your excellency will permit me to recall to your remembrance the twelfth and fourteenth articles of the treaty made between the U. States and France, on the 30th of September, 1800. These articles provide,

1st. That "it shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever; and to pass not only directly from the places and ports of the enemy aforesaid to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same power, unless such ports or places shall be actually blockaded, besieged or invested.

2d. That "vessels sailing for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, may be turned away from such port or place; but they shall not be detained, nor any part of their cargo (not contraband) confiscated, unless, after notice of such blockade or investment, they shall again attempt to enter; but they shall be permitted to go to any other port or place they shall think proper."

3d. That "free ships shall give a freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted."

These stipulations are not more clear in themselves, nor of more indisputable application and authority in the present case, than the injunctions of public law, by which they are enforced, viz. that local regulations (excepting by virtue of convention) cannot apply to foreign nations on the high seas, without violating the rights of the one, and the freedom of

the other; that blockades can only exist, when places are so invested that no serious attempts can be made to approach them without exposing the parties making them to imminent danger; that merchant vessels may be visited without any degradation to the flag of the nation to which they belong, &c. &c. &c. But why multiply proofs of a position which is not denied? Does not the official report of your enlightened predecessor, of the 21st November, 1806, admit the illegitimacy of the original decree? Does it not expressly say, that the doctrines of blockade introduced by England are monstrous and indefensible? And that the practice, like the doctrine, is a mockery of right, and an insult upon reason? After strictures so severe, because so just, what can be said for the policy of France, which differs in nothing from that of England? Has your excellency attempted to defend either the theory or the practice of this policy, on the ground of its conformity to the principles of public law? Or have you done more at any time, or on any occasion, than to seek a justification for it on the bare suggestion, that the United States have acquiesced in the measures of England? And how has even this suggestion been maintained? By an exposition of the wrongs inflicted on American commerce! and which have been notoriously practised by all the belligerents in turn. Have not the ships of the United States been encountered by all? Have they not been turned from their original destination? Have they not been dragged into foreign ports for adjudication? Have they not in several instances been burnt on the high seas? Is not the argument, founded on this state of things, equally good for either, or for all the belligerents? And can France derive from it rights which do not equally accrue to her enemies? There is, however, another and a better answer to this suggestion, which your excellency has already seen in the letter I had the honor of writing to you on the 16th of February last, viz. that the suggestion is neither well nor plausibly founded; and that the United States neither have submitted, nor will submit, to the usurpations of Great Britain, nor to those of any other nation.

Accept, sir, &c.

JOHN ARMSTRONG.

His excellency the minister of foreign relations.

EXTRACT OF A LETTER FROM GENERAL ARMSTRONG, TO MR. MADISON.

Paris, April 12th, 1808.

I have detained Mr. Lewis till to-day, on the supposition that my letter of the 2d inst. to M. de Champagny would be answered. This was, however, a mere accommodation to forms, since the absence of the emperor and that of the minister of foreign relations, rendered this supposition highly improbable. There being then no public reason for Mr. Lewis's longer stay in Paris, and the permission to the Osage to prosecute her voyage to England, not including one to return to France, I have thought it best that he should embark with such dispatches as were

ready, proceed to Falmouth, in England, and thence, after receiving Mr, Pinkney's orders, return with all possible expedition to the United States. He has accordingly been instructed to this effect.

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EXTRACTS OF A LETTER FROM THE SAME TO THE SAME, DATED

Paris, 25th June, 1808.

The St. Michael arrived at L'Orient on the 1st instant, and, like the Osage, was immediately put under sequestration. It was not till the 8th, that Mr. Baker arrived here.

The remonstrance ordered, with respect to the terms of Mr. Champagny's letter of the 15th of January, shall be executed the moment the prince of Benevento returns from Valençay; and I hope in a way, which, while it makes the French government sensible of the offensiveness of those terms, will not obstruct the road to friendly and respectful explanations on its part.

To give this a chance of finding Mr. Livingston at Bordeaux, I must close it here.

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THE SAME TO THE SAME.

Paris, 18th July, 1808.

SIR—I avail myself of the detention of the Arcturus, to transmit copies of two letters, which I have written to M. de Champagny: the one, in execution of the president's orders with regard to the offensive terms, employed by that minister in his note of the 15th of January last; the other, demanding from him, on the part of his government, an avowal or disavowal of the conduct of rear-admiral Baudin, in burning, or otherwise destroying, on the high seas, four American ships and their cargoes.

I have the honor to be, sir,
With very high consideration,
Your most obedient, and
Very humble servant,
JOHN ARMSTRONG.

Secretary of state.

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EXTRACT OF A LETTER FROM GENERAL ARMSTRONG, TO MR. CHAMPAGNY, DATED

Paris, July 4th, 1808.

It has been made the duty of the undersigned to bring to the view of the French government an official note, addressed to him on the 15th of January last, by his majesty's minister of exterior relations, and which, in the opinion of the president, is calculated to derogate from the rights of the United States, as an independent nation. The note is in the following words, viz. [See Mr. Champagny's letter of the 15th January, 1808.

On this note the undersigned would remark, 1st. That the United States have a right to elect their own policy with regard to England, as they have with regard to France; and that it is only while they continue to exercise this right, without suffering any degree of restraint from either power, that they can maintain the independent relation in which they stand to both: whence it fol-

lows, that to have pronounced, in the peremptory tone of the preceding note, the effects which the measures of the British government ought to have produced on their councils and conduct, was a language less adapted to accomplish its own object, than to offend against the respect due from one independent nation to another: and

2dly. That the alternative to be found in the last paragraph, and which leaves the United States to choose between an acquiescence in the views of France against Great Britain, and a confiscation of all American property sequestered by order of H. I. M. is equally offensive to both governments. To France, as it would impute to her a proposition founded in wrong to individuals; and to the United States, as it would imply, on their part a subjection to pecuniary interests totally inconsistent with their principles, and highly dishonorable to their character.

GENERAL ARMSTRONG TO M. CHAMPAGNY.

Paris, July 10 1808.

Sir—Your excellency will see by the enclosed extracts from two letters which his majesty's minister of marine has done me the honor to address to me on the 18th of April and 13th of June last, that the property taken from the four American ships, destroyed by rear admiral Baudin, has been placed under the jurisdiction of the imperial council of prizes, to be judged by it, as a case of ordinary capture.

To your excellency, it will be unnecessary to remark, that whatever may by the decision of this council in relation to the merchandize which has been *saved*, the case presents a question of much higher import, and entirely beyond the jurisdiction of a maritime court, viz. the kind and degree of reparation which shall be due for the ships and merchandize which have been *destroyed?* and by way of opening this subject, your excellency will permit me to ask, whether his majesty's government does or does not justify the conduct of rear admiral Baudin, in burning, or otherwise destroying, on the high seas, the ships and merchandize of a neutral and friendly power?

I pray your excellency, &c

JOHN ARMSTRONG.

M. Champagny.

EXTRACT OF A LETTER FROM GENERAL ARMSTRONG TO THE SECRETARY OF STATE, DATED

Paris, July 26th, 1808.

It would have given me the highest pleasure to have drawn from this government such explanations, on the general subject of our differences with them, as would have met the friendly and equitable views of the United States; but I owe it, as well to you as to myself, to declare that every attempt for that purpose, hitherto made, has failed, and under circumstances, which by no means indicate any change in their respect for the better.

EXTRACTS OF A LETTER FROM THE SAME TO THE SAME, DATED

Paris, August 7th, 1808.

I wrote a few lines to you yesterday. Two weeks have gone by without any new condemnation. My remonstrances continue to be unanswered.

P. S. I inclose a copy of my note of yesterday to M. de Champagny.

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EXTRACT OF A LETTER FROM GENERAL ARMSTRONG TO M. CHAMPAGNY, DATED

Paris, August 6th, 1808.

Mr. Armstrong presents his compliments to M. de Champagny, and begs leave to inform him, that having for some months past made trial of the artificial waters of Tivoli, without any useful effect, his physician has prescribed for him those of Bourbon d'Archambault. Should M. de Champagny have any communication to make to Mr. Armstrong, he will be pleased to address them as usual to the hotel de Legation Americaine, Rue Vanguard, No. 100, whence they will be regularly and promptly transmitted to Bourbon.

On leaving Paris, Mr. Armstrong thinks proper to state his regrets, that the political relations of the two powers should continue to wear an aspect less auspicious to their future good understanding, than is wished for by those who are the friends of both.

That his majesty has a right to make such municipal regulations as he may deem proper with regard to foreign commerce, neither is, nor has been denied: for example, he may forbid the entry into the ports of France of American ships which have touched in England, or been destined to England, and he may either sequester or confiscate such vessels of the United States as shall infract these laws, after due promulgation and notice thereof; but beyond this the United States hope and believe that his majesty will not go.

M. de Champagny will not fail to seize the distinction which these remarks present, between the authority of municipal regulations, and that of public law, and will decide whether it does or does not offer a ground on which the good understanding, so long and so usefully maintained between the United States and France may be preserved, and a degree of intercourse between them revived, which shall have the effect of reanimating their former industry.

Does his majesty fear, that the balance of trade arising from this renewed industry, would go to the advantage of England? means are certainly not wanting to prevent this consequence. Would it not be entirely avoided by making it a condition of the commerce in question that all ships leaving France shall take (in some article or articles of her produce or manufacture) the full amount of the cargoes they bring hither?

Ships, sailing under this regulation, would, or would not, go voluntarily to England. If they

went voluntarily it would only be, because that country afforded the best markets for the productions of France; in which case the habitual results would be entirely changed, and England, ceasing to receive a balance for her manufactures, would begin to pay one to the United States on the productions of France. Could France wish a state of commerce more prosperous than this?

If, on the other hand, the American ships did not go voluntarily to England, but were captured and sent in for adjudication, it may be fairly presumed, that the United States could no longer hesitate about becoming a party to the war against England.

Thus, in either case, the interests of his majesty would be directly advanced by the measure: in the one, the wants of France and her colonies would be not only regularly supplied, but she would, herself, become an entrepot for the supply of the continent; in the other, the wishes of his majesty, as expressed in February last, would be directly promoted.

Mr. Armstrong has the honor of renewing to Mr. de Champagny, the assurances of his very high consideration.

EXTRACT OF A LETTER FROM THE SAME TO THE SAME, DATED

Bourbon L'Archambault, August 28th, 1808.

Since my arrival at this place I have been honored by the receipt of your dispatch of the 21st ult. and would immediately return to Paris, to renew my discussions with M. de Champagny, either personally, as you suggest, or by writing, had I not the most solemn conviction, that any new experiment, made at the present moment, in either form, and of official character, would certainly be useless and probably injurious.

EXTRACTS AND COPIES OF LETTERS FROM MR. MADISON TO MR. PINKNEY.

EXTRACTS OF A LETTER FROM MR. MADISON, SECRETARY OF STATE TO MR PINKNEY, MINISTER OF THE UNITED STATES AT LONDON, DATED.

Department of State, December 23, 1807.

Mr. Erskine having been so good as to let me know that the mail of this evening will carry his dispatches for a British packet, which will sail from New-York immediately on their arrival there, and other conveyances now failing, I avail myself of the opportunity, to inclose you a copy of a message from the president to congress, and their act in pursuance of it, laying an immediate embargo on our vessels and exports. The policy and the causes of the measure, are explained in the message itself. But it may be proper to authorise you to assure the British government, as has been just expressed to its minister here, that the act is a measure of precaution only, called for by the occasion; that it is to be considered as neither hostile in its character, nor as justifying, or inviting or leading to hostility with any nation whatever,

and particularly as opposing no obstacle whatever to amicable negotiations and satisfactory adjustments with Great Britain, on the subjects of difference between the two countries.

The suddenness of the present opportunity does not allow me time to add more than a newspaper, containing a part of the proceedings of congress in relation to the embargo.

P. S. As you may be able to find conveyances to Paris, whither none will for some time offer hence, I request the favor of you to communicate to general Armstrong the contents of this letter, and through him, or otherwise, to Mr. Erving at Madrid.

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EXTRACT FROM THE SAME TO THE SAME, DATED

Department of State,
Feb. 19, 1808.

A vessel having been engaged to carry from the port of New York public dispatches and mercantile letters to Europe, I avail myself of the opportunity of forwarding you a series of gazettes, which contain the proceedings of congress, and such current information as will give you a view of our internal affairs. They will be put, with this letter, into the hands of Mr. Nourse, a passenger in the dispatch vessel, who will deliver them at London; and as the vessel, which will have previously touched at L'Orient, will, after waiting ten or twelve days at Falmouth, return to that port, and thence to the United States, you will have an opportunity of sending thither any communications you may wish to make to Paris, as well as of transmitting to your government such as may follow up your correspondence, which, at the present period, will be the more acceptable, the more it be frequent and full.

My last, which was committed to the British packet, inclosed a copy of the act of embargo, and explained the policy of the measure. Among the considerations which enforced it, was the probability of such decrees as were issued by the British government on the 11th of November; the language of the British gazettes, with other indications, having left little doubt that such were meditated. The appearance of these decrees has had much effect in reconciling all descriptions among us to the embargo, and in fixing in the friends of the measure their attachment to its provident guardianship of our maritime interests.

Mr. Erskine communicated, a few days ago, the several late decrees of his government, with expressions of the regret felt by his Britannic majesty at the necessity imposed on him for such an interference with neutral commerce, and assurances that his majesty would readily follow the example, in case the Berlin decree should be rescinded, or would proceed, pari passu, with France, in relaxing the rigor of their measures. Mr. Erskine was asked, whether his government distinguished between the operation of the French decree, municipally on land, and its operation on the high seas? On this point he was unable to answer; as he also was to an inquiry, whether the

late British decrees had reference to the late extension of the French decree with respect to the United States? He seemed also, as is perhaps the case with his government, to have taken very little into consideration the violations of neutral commerce, and through them the vast injury to France antecedent to the Berlin decree. It is probable that something further is to pass between us on this subject.

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EXTRACT OF A LETTER FROM THE SAME TO THE SAME.

Department of State,
March 8, 1808.

Having just learnt that the present mail will arrive at New York in time for the British packet, I avail myself of the opportunity of forwarding your commission and letters of credence, as successor to Mr. Monroe, in the legation at London.

Since my last, which went by Mr. Nourse in a dispatch vessel, bound first to L'Orient, and then to Falmouth, I have received your communication of the 23d of November and of December. These, with a representation from general Armstrong to the French government, on the subject of the decree of Berlin, as expounded and enforced in the case of the ship Horizon, were thought by the president to throw so much light on the course likely to be pursued by Great Britain and France, in relation to the United States, that he had the documents confidentially laid before congress.

Mr. Erskine has made a written communication on the subject of the British orders. I shall answer him as soon as the very urgent business on hand will permit.

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EXTRACT OF A LETTER FROM THE SAME TO THE SAME, DATED

Department of state,
March 22, 1808.

My last bears date the 8th inst. and went by the British packet. It acknowledged your letter of November 23d, and of December. I have since received those referred to in the letter, and also that of January 26, which came to hand last evening.

I cannot inclose my answer to Mr. Erskine's communication of the British orders; the unceasing pressure of other matters, on a state of health still feeble, having thus far delayed it. You will anticipate the complexion which will necessarily be given to it by the character of measures, not only violating our rights, and stabbing our interests; but superadding, under the name of indulgences, a blow at our national independence, and a mockery of our understandings.

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MR. MADISON TO MR. PINKNEY.

Department of state,
April 4, 1808.

SIR—My last was of March 22, and went under the care of Mr. Rose. I now forward printed copies of the correspondence with him on the subject of his mission, and of the antecedent

documents relating to the case of the Chesapeake. As soon as the voluminous residue of the communications made to congress issues from the press, it shall also be forwarded. You will find that they include certain documents relating to France, which were thought proper for the knowledge of congress at the present crisis.!

To these communications I add copies of Mr. Erskine's letter to me on the subject of the British decrees of November last, and of my answer. And that you may have a view of the ground which has been taken with respect to the French decree of November, 1806, and to the judicial exposition in the case of the Horizon, giving to it an illegal operation against the United States, I inclose copies of two letters to general Armstrong on those subjects.

The president made to congress, a few days ago, other communications relating to the present crisis with Great Britain and France, among which were Mr. Erskine's letter, now inclosed, and a letter from M. Champagny to general Armstrong, explaining the course meditated by the French government with respect to the commerce of the United States. These being excepted from the confidential character attached to the others, have been published, and will be found among the printed inclosures. Your letter of February 26 was included in the communications to congress, but not in the exception.

The conduct of the two great contending nations towards this country, as it will now appear to it and to the world, fully displays their mutual efforts to draw the United States into a war with their adversary. The efforts on both sides are too little disguised to be worthy the discernment of either, and are addressed moreover to motives which prove great ignorance of the character of the United States, and indeed of human nature.

From the posture in which Mr. Rose's final reply to the compromise proposed to him placed the question of adjustment in the case of the Chesapeake, it remains with the British government to resume it, if adjustment be their object. Whether a tender of reparation will be made here, or to you, will also lie on that side. It will certainly be most becoming that government, under all circumstances, to make the reparation here; and this course might of right be insisted on by this government. The president, nevertheless, in the liberal spirit which always governs him, authorizes you to accept the reparation, provided it be tendered spontaneously, be charged with no condition, unless it be that, on the receipt of the act of reparation here, the proclamation of July 2d shall be revoked; and provided the reparation shall add, to the disavowal of the attack on the Chesapeake, an express engagement that the seamen retained shall be immediately restored, and that the guilty officer experience an exemplary punishment. The reparation will be the more satisfactory, and not exceed a just expectation, if the restoration of the seamen be made to the very ship from which they were wrested, and if provi-

sion be made for the wounded survivors, and for the families of those who lost their lives by the attack.

I must repeat, however, that it is considered entirely proper, that the reparation should be offered here, rather than in London, and it is only in the event of a decided repugnance in the British government to make it through a functionary here, that you are to accept it there.

The answer to Mr. Erskine's letter on the British orders, will furnish the grounds to be taken in your communications with his government on that subject. If the cabinet can be brought to view the orders in their true light, a revocation of the whole of them cannot fail to take place, unless they mean to violate every maxim of justice, or are fixed in hostile purposes against the United States. In not regarding the orders, indeed, as acts of hostility, and in trusting for redress to the motives and the means, to which they have appealed, the United States have given the most signal proof of their love of peace, and of their desire to avoid an interruption of it with the British nation.

Still it is to be understood, that whilst the insult offered in the attack on the American frigate remains unexpiated, you are not to pledge, or commit your government, to consider a recall of the orders as a ground on which a removal of the existing restrictions on the commerce of the United States with Great Britain may be justly expected.

The two letters to general Armstrong, of the 22d May, 1807, and February 8th, 1808, are proofs of the sincerity and impartiality with which the president has proceeded in relation to the belligerent parties, and may, perhaps, assist you in repressing unjust suspicions, imbibed by the British cabinet. It would be happy for all parties, the belligerents as well as the United States, if truth could, in this case, be made to prevail; and if the retaliating rivalship of the former against the latter, could be converted into an emulation, as politic, as it would be magnanimous in both, to take the lead in a fair, lawful, and conciliatory course, towards a nation which has done no wrong to either. Should the experiment be made on either side, it would probably be followed on the other; and it could never happen, that the side first doing justice would suffer on that account.

In the present state of our relations to Great Britain, it would be premature to mark out the course to be pursued with respect to further negotiations on other topics than those above noticed. You are authorized, however, to continue your interpositions in behalf of our impressed or *detained* seamen; and in the event of a repeal of the British orders, and of satisfactory pledges for repairing the aggression on the Chesapeake, to enter into informal arrangements for abolishing impressments altogether, and mutually discontinuing to receive the seamen of each other, into either military or merchant service, conformably to the instructions on this point transmitted by Mr. Purviance.

You will find by a passage in Mr. Rose's reply of March 17,

that the British government does not maintain the principle, that the obligation of the United States extends beyond the discharge of deserters from their public service: and by an order of the navy department here, already carried into execution, of which a copy is enclosed, that it has lately been decided, that no foreign seamen, whether deserters or not, shall serve on board our ships of war. The principles respectively manifested by these documents, ought to facilitate such an adjustment as is contended for by the United States.

I have the honor to be, &c.

JAMES MADISON.

Wm. Pinkney, Esq. minister plenipotentiary United States—London.

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EXTRACT OF A LETTER FROM THE SAME TO THE SAME, DATED

Department of State,
April 30, 1808.

My last was of the 4th inst. and went by a British packet from New York. I now forward a copy of it.

Congress ended their session on the night of the 25th instant. The series of newspapers, herewith sent, affords a view of their proceedings subsequent to the communications last made to you. Some other prints are included which throw light on the workings of public opinion and the state of public affairs.

You will find that the critical posture of our foreign relations, has produced provisions of different kinds for our greater security; and particularly that no pains have been spared to stop every leak by which the effect of the embargo laws might be diminished. I refer you also to the report made to the senate by a committee on the documents relating to the affair of the Chesapeake, and on the letters of M. Champagny and Mr. Erskine; and indicating the spirit which may be expected to influence the future policy of this country, if kept under the excitement resulting from the system now pursued against it.

You will observe at the same time, that, whilst a determination is sufficiently evinced against a dishonorable acquiescenee in the despotic edicts enforced on the high seas, the United States are ready to resume their export trade as soon as the aggressions on it shall cease: and that in a hope that this might happen during the recess of congress, the president is authorized, in such an event, to suspend, in whole or in part, the several embargo laws.

The conditions on which the authority is to be exercised, appeal equally to the justice and policy of the two great belligerent powers, which are now emulating each other in a violation of both. The president counts on your endeavors to give to this appeal all the effect possible with the British government. General Armstrong will be doing the same with that of France. The relation in which a revocation of its unjust decrees by either, will place the United States to the other is obvious; and ought to be a motive to the measure, proportioned to the desire which has been manifested by each to produce collision between the United States and its adversary, and

which must be equally felt by each to avoid one with itself.

Should the French government revoke so much of its decrees as violate our neutral rights, or give explanations and assurances having the like effect, and entitling it therefore to a removal of the embargo as it applies to France, it will be impossible to view a perseverance of Great Britain in her retaliating orders, in any other light than that of war, without even the pretext now assumed by her.

In order to entitle the British government to a discontinuance of the embargo, as it applies to Great Britain, it is evident that all its decrees, as well those of January, 1807, as of November, 1807, ought to be rescinded, as they apply to the United States; and this is the rather to be looked for from the present administration, as it has so strenuously contended that the decrees of both dates were founded on the same principles, and directed to the same object.

Should the British government take this course, you may authorise an expectation that the president will, within a reasonable time, give effect to the authority vested in him on the subject of the embargo laws.

Should the orders be rescinded in part only, it must be left to his free judgment to decide on the case. In either event, you will lose no time in transmitting the information to this department and to general Armstrong; and particularly in the event of such a course being taken by the British government, as will render a suspension of the embargo certain or probable, it will be proper for you to make the communication by a courier to general Armstrong, to whom a correspondent instruction will be given, and to provide a special conveyance for it hither, unless British arrangement shall present an opportunity, equally certain and expeditious.

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EXTRACT OF A LETTER FROM MR. MADISON TO MR. PINKNEY.

Department of State,
July 18th, 1808.

Your communications by lieut. Lewis were safely delivered on the evening of the 8th inst.

As it had been calculated that the interval between the return of Mr. Rose, and the departure of lieutenant Lewis, would give sufficient time to the British government to decide on the course required by the posture in which the affair of the Chesapeake was left, its silence to you on that subject could not fail to excite the particular attention of the president: and the appearance is rendered the more unfavorable by the like silence, as we learn from Mr. Erskine, of the dispatches brought to him by the packet which left England and arrived at New York at nearly the same time with the Osage. I have intimated to Mr. Erskine the impressions made by this reserve, without, however, concealing our hope that the delay does not imply a final purpose of withholding reparation, and that the next communications from London will be of a different import. They must at least ascertain the real views of the British govern-

ment on this interesting subject.

There was certainly no just ground for Mr. Canning to expect any particular communications from you on the arrival of the Osage, unless they should have grown out of such accounts from France as would second our demands of justice from Great Britain, particularly the revocation of her orders in council: and in imparting to him what you did from that quarter, every proof of candor was given which the occasion admitted.

If Mr. Canning was disappointed, because he did not receive fresh complaints against the orders in council, he ought to have recollected, that you had sufficiently dwelt on their offensive features, in the first instance; and that as he had chosen to make the formal communication of them to this government through another channel, it was through that channel, rather than through you, that answers to it would be most regularly given.

The communications and instructions forwarded by Mr. Purviance, who was a passenger in the St. Michael, will enable you to bring the British government to a fair issue on the subject of its orders. If it has nothing more in view than it is willing to avow, it cannot refuse to concur in an arrangement, rescinding, on her part, the orders in council; and on ours, the embargo. If France should concur in a like arrangement, the state of things will be restored, which is the alleged object of the orders. If France does not concur, the orders will be better enforced by the continuance of the embargo against her, than they are by the British fleets and cruisers, and in the mean time, all the benefits of our trade will be thrown into the lap of Great Britain. It will be difficult, therefore, to conceive any motive in Great Britain to reject the offer which you will have made, other than the hope of inducing, on the part of France, a perseverance in her irritating policy towards the United States, and, on the part of the latter, hostile resentments against it.'

If the British government should have elected the more wise and more worthy course, of meeting the overture of the president, in the spirit which dictated it, it is to be hoped, that measures will have been taken in concert with you, and through its minister here, for hastening, as much as possible, the renewal of the intercourse, which the orders and the embargo have suspended, and thereby smoothing the way for other salutary adjustments.

It appears that the British government, not satisfied with the general blockade, by her orders of November 11th, has superadded a particular blockade, or rather a diplomatic notification of an intended one, of Copenhagen, and *the other ports* in the island of Zealand; that is to say, a strict and legal blockade of the whole island. The island cannot be much less than two hundred miles in its outline, and is described as abounding in inlets. It is not probable, therefore, if it be possible, that the blockade, within the true definition, should be carried into effect. And as all defective blockades, whether so in the disproportion of force to the object, or in the mode of no-

tification, will authorise fair claims of indemnification, it is the more necessary that guarded answers should be given, in such cases, as heretofore suggested.

Since the British order of evidently inviting our citizens to violate the laws of their country, by patronizing on the high seas their vessels destitute of registers, and other necessary papers, and therefore, necessarily smugglers, if not pirates, the circular letter of Mr. Huskisson has made its appearance; in which the United States are named as alone within the purview of the order. A more extraordinary experiment is, perhaps, not to be found in the annals of modern transactions. It is levelled, moreover, against a nation towards which friendship is professed, as well as against a law, the justice and validity of which are not contested; and it sets the odious example, in the face of the world, directly in opposition to all the principles which the British government has been proclaiming to it. What becomes of the charge against the United States for receiving British subjects who leave their own country contrary to their allegiance? What would be the charge against them, if they were by proclamation, to invite British subjects, those too expressly and particularly prohibited from leaving their country, to elude the prohibition; or to tempt, by interested inducements, a smuggling violation or evasion of laws, on which Great Britain founds so material a part of her national policy? In the midst of so many more important topics of dissatisfaction, this may not be worth a formal representation. But it will not be amiss to let that government understand the light in which the proceeding is regarded by this. I have already touched on it to Mr. Erskine, with an intimation that I should not omit it in my observations to you.

The French decree, said to have been issued at Bayonne, has not yet reached this country. Such a decree, at such a time, has a serious aspect on the relations of the two countries, and will form a heavy item in our demands of redress. It is much to be regretted, at the same time, that any of our vessels, by neglecting to return home, and conforming to the arbitrary regulations of one belligerent, should expose themselves to the arbitrary proceedings of another. So strong and general an indignation seems particularly to prevail here against the Americans in Europe, who are trading under British licenses, and thereby sacrificing, as far as they can, the independence of their country, as well as frustrating the laws which were intended to guard American vessels and mariners from the dangers incident to foreign commerce, that their continuance in that career ought to be frowned upon, and their return home promoted in every proper manner. It appears, by information from our consul at Tangier, that great numbers of our vessels are engaged in a trade between Great Britain and Spanish ports, under licenses from the former, and that the experiment proves as unsuccessful as it is dishonorable; the greater part of them being either arrested in port, or by French and Spanish cruizers.

COPIES AND EXTRACTS OF LETTERS FROM MR. PINKNEY TO MR. MADISON, WITH INCLOSURES.

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MR. PINKNEY TO MR. MADISON.

London, February 23, 1808.

Sir—Mr. Canning has just sent me a note, of which a copy is enclosed, relative to an intended alteration, upon the subject of cotton, in their bill for carrying into execution the late orders in council. You will perceive that he lays some stress upon the accidental observations, which (as already explained to you in my letter of the 26th of last month) were drawn from me, some time since, upon the singularly offensive project of imposing a transit duty upon our cotton. I mentioned to you in my letter of the 2d instant, that he appeared to have misapprehended the tendency of these observations, and that, in a subsequent conversation, he shewed a disposition to remove this obnoxious feature from their plan, for the purpose of substituting an absolute interdict of the export of that article, under an idea that we should then cease to object to it; but that I thought it my duty to decline to give him any encouragement to do so, although I agreed, as he seemed to wish it, to mention his disposition to you. A few days ago, he sent for me again, and renewed his proposal, of an immediate change, with respect to cotton, from a prohibitory duty, to a direct prohibition. My answer was the same in substance as it had been before. He then suggested the alternative arrangement, which you will see stated in his note; but, adhering to the determination I had formed, upon the first appearance of the orders in council, to make no compromise (without precise directions from my government) with the system which they announce, by becoming a party to its details, I received this proposal as I had done the other.

The British government, however, had resolved to adopt this last mentioned plan, whether it received my concurrence or not, upon a presumption that it would be more acceptable to us, and perhaps, too, under the idea, that it was more defensible, than their original scheme; and the purpose of Mr. Canning's note, is merely to signify to me, in a manner as friendly and respectful as possible to the United States, their intention to propose it to parliament.—One object of all this is, certainly, to conciliate us, although it may be another, to free their system, as far as they can, from the disadvantage of one of the formidable reproaches which their opponents cast upon it. But the wise and magnanimous course would be, at once to tread back their steps upon the whole of this ill-judged measure, instead of relying upon small and unsubstantial modifications, which neither produce an effect upon its character and principle, nor mitigate the severity of its practical consequences. I might, if I thought it advisable, take the occasion, which Mr. Canning's note undoubtedly furnishes, to press upon him once more, the policy, as well as the justice of such a course; but I believe it, under all circumstances, to be more pru-

dent to wait for your instructions, which must, I think, be very soon received.

I have already had the honor to send you two copies of the resolutions, moved in the house of commons, by the chancellor of the exchequer, as tables of export duties, to which their bill should refer. I have enclosed in another letter, with which this will be accompanied, a copy of the bill itself, which will, however, undergo several alterations. These will be found to be explained (as far as I am acquainted with them) in the letter above mentioned.

I have the honor to be, &c.

WILLIAM PINKNEY.

Hon. James Madison,
Secretary of State.

MR. CANNING TO MR. PINKNEY.

Foreign-Office,
February 22d 1808.

Sir—I have already had the honor of assuring you in conversation, of the disposition which is felt by the British gavernment, to give due weight to the observations which you have made to me respecting the unfavorable impression likely (in your opinion) to be excited in the United States by the duty proposed to be levied upon cotton, destined for the use of the enemy, but brought into the ports of this country, conformably to the tenor of the orders of council of the 11th of November last.

You are already apprized, that the principle, upon which the whole of this measure has been framed, is that of refusing to the enemy those advantages of commerce which he has forbidden to this country.

The simple method of enforcing this system of retaliation, would have been to follow the example of the enemy, by prohibiting altogether, all commercial intercourse between him and other states.

It was from considerations of indulgence to neutral trade, that the more mitigated measure of permitting intercourse under the restraints and regulations of a duty, in transitu, was adopted; and being adopted with this view, it was not immediately felt by the British government, that there might be a distinction taken by neutral states, with respect to articles the produce of their own soil, and that, while the commutation of prohibition into duty was acknowledged as an indulgence, when applied to articles of foreign commerce, of which they were only the carriers, it might be considered as an invidious imposition when applied to their own productions.

The moment that this distinction has been explained to the British government, they have been desirous of manifesting every attention to it, and if you, sir, had been possessed of the necessary authority from your government, there would have been no difficulty in entering into a specific agreement with you upon the subject. In order, however, to obviate the objection, in a great degree, I have the honor to inform you, that it is intended to be proposed to parliament, that all cotton, brought into this country, in conformity to the orders of council, should be absolutely pro-

hibited from being exported to the territories of the enemy. But as you are not prepared to take upon yourself to say, that in no case the option would be acceptable, an option will still be left to the neutral owner, either to acquiesce in the total prohibition, or to re-export the article, on the payment of such a duty as parliament may judge it expedient to impose.

I flatter myself, sir, that this alteration in the legislative regulations, by which the orders of council are intended to be carried into execution, will be considered by you as a satisfactory evidence of the disposition of his majesty's government, to consult the feelings as well as the interests of the United States, in any manner which may not impair the effect of that measure of commercial restriction, to which the necessity of repelling the injustice of his enemies has obliged his majesty, reluctantly, to have recourse.

I have the honor to be, &c.

GEORGE CANNING.

William Pinkney, Esq.
&c. &c. &c.

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MR. PINKNEY TO MR. CANNING.

Great Cumberland Place,
Feb. 23, 1808.

Mr. Pinkney presents his compliments to his excellency, Mr. Canning, and has the honor to acknowledge the receipt of his note of yesterday, relative to an alteration on the subject of cotton, in the legislative regulations, by which the late orders in council are intended to be carried into execution, which Mr. Pinkney will hasten to transmit to his government.

Mr. Pinkney requests Mr. Canning to accept the assurances of his high consideration.

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MR. PINKNEY TO MR. MADISON.

(EXTRACTS.)

London, May 9, 1808.

I had a conversation with Mr. Canning on Friday last, in consequence of the arrival of the Osage.

As it was obviously expected that I should seek an interview with him, I went to Downing-street on the 5th with that object. He had been indisposed, and was not at the office; but in answer to a note which I sent him in the evening, he asked to see me next day at his house in Bruton-street.

The Osage had for some time been looked for with considerable anxiety, and the government had apparently anticipated a communication (and perhaps a proposal) of some importance, from me, as soon as my dispatches should be received. As I had, in fact, no communication to make, it seemed to be proper that I should render the disappointment of as little moment as possible, by the manner of announcing it, without, however, putting any thing to hazard by an indiscreet manifestation of unnecessary solicitude.

The little which I supposed it requisite to say on this occasion appeared to be very well received: and, if any disagreeable impression was left on the mind of Mr. Canning, it certainly was not

visible. A feeling of regret was perhaps perceptible, and a hope was intimated, that the time was not far distant, when I should be enabled to do what, at present, was out of my power; but nothing occurred which could be construed into a symptom of impatience, jealousy, or dissatisfaction. There was, undoubtedly, no real ground for any thing of this sort; but it was, notwithstanding, quite possible that the importance, which it had become a habit to attach to the arrival of the Osage, from circumstances principally accidental, might have produced a disposition to think otherwise.

I thought it advisable to make use of this opportunity (although the topic was, in many views, more delicate than it had been) to suggest the propriety of yielding, as the moment was sufficiently favorable to such a course, upon the subject of the late orders in council, of which I had seen nothing to change my original opinion. There was reason to apprehend, however, that it might be worse than useless to press the suggestion, upon my own authority merely, while I could say nothing of the French decrees; and, accordingly, I forbore to do so.

An idea has evidently gone forth, since the Osage arrived, founded upon rumors of a doubtful description, that our relations with France have grown to be extremely precarious, and that we are consequently about to come to an understanding of a very friendly kind with Great Britain. It is not improbable that the government has, in some degree at least, adopted this idea.

I have the honor to inclose a copy of a notification, recently received from Mr. Canning, of the blockade of Copenhagen, and of the other ports in the island of Zealand, which I have caused to be communicated, in the usual manner, to our consuls and citizens.

There being no particular inducement for detaining the Osage, lieutenant Lewis, who will be charged with my letters, will leave town the day after to-morrow, and the ship will sail as soon after he reaches Falmouth as possible.

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(NOTIFICATION.)

MR. CANNING TO MR. PINKNEY.

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's command to acquaint Mr. Pinkney, that his majesty has judged it expedient to establish the most rigorous blockade of the port of Copenhagen, and of all the other ports in the island of Zealand. Mr. Pinkney is therefore requested to apprise the American consuls and merchants residing in England, that the entrances of all the ports abovementioned are, and must be considered as being in a state of blockade, and that from this time all the measures authorized by the law of nations, and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to all vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Pinkney to accept the assurances of his high consideration.

GEORGE CANNING.

Foreign Office,
May 4th, 1808.

EXTRACT OF A LETTER FROM MR. PINKNEY TO THE SECRETA- OF STATE OF THE U. STATES, DATED

London, June 5th, 1808.

I have the honor to acknowledge the receipt of your letter of the 4th of April, by Mr. Bethune, together with the printed, and other copies of papers mentioned in it.

I am to have an interview with Mr. Canning in a few days (which he will agree to consider extra official) in the course of which I intend to press, by every argument in my power, the propriety of their abandoning immediately their orders in council, and of proposing in America (the only becoming course, as you very properly suggest) reparation for the outrage on the Chesapeake. I shall for obvious reasons do this, informally, as my own act.

Your unanswerable reply to Mr. Erskine's letter, of the 23d February, has left nothing to be urged against the orders in council upon the score of right; and there may be room to hope that the effect, which that reply can hardly have failed to produce upon ministers, as well by its tone as by its reasoning, will, if followed up, become under actual circumstances, decisive. The discussion, which Mr. Rose's preliminary in the affair of the Chesapeake, has undergone, gives encouragement to an expectation, that this government will not now be backward to relinquish it, and to renew their overture of satisfaction in a way more consistent with reason, and more likely to produce a just and honorable result.

You may be assured that I will not commit our government by any thing I shall do or say, and that, if I cannot make things better than they are, I will not make them worse.

My view of the course which our honor and our interests have required, and still require, is, as you know, in precise conformity with that of the president; but if it were otherwise, I should make his view, and not my own, the rule of my conduct.

EXTRACTS OF A LETTER FROM MR. MR. PINKNEY TO MR. MADISON.

London, August 4th, 1808.

The St. Michael arrived at Falmouth on Thursday the 14th of last month, after a passage of eight days from L'Orient. Capt. Kenyon delivered to me on Wednesday the 20th, (upon my arrival in town from Brighton, where I had been for a short time on account of my health) your letters of the 30th of April, and your private letter of the 1st of May, together with newspapers, printed copies of the embargo act and its supplements, and of papers laid before congress at their last session. Mr. Hall brought me a letter from general Armstrong of the 26th of June, (of which I

send an extract) and Mr. Upson brought me a private letter from him with the following postcript of the 1st of July. "An order has been received from Bayonne to condemn eight other of our ships."

On Friday the 22d of July, I had an interview with Mr. Canning, and renewed my efforts to obtain a revocation of the British orders of January and November, 1807, and of the other orders dependent upon them. I have already informed you in my private letter of the 29th of June, that on the morning of its date, I had a long conversation with Mr. Canning, which had rendered it somewhat probable that the object mentioned in your letter of the 30th of April (of which I had received a duplicate by the packet) would be accomplished, if I should authorize the expectation which that letter suggests; but that some days must elapse before I could speak with any thing like certainty on the subject: and I have mentioned in another private letter (of the 10th of July) that it was understood between Mr. Canning and myself, that another interview should take place soon after the prorogation of parliament. In effect, however, Mr. Canning was not prepared to see me again, until the 22d of July, after I had been recalled to London by the arrival of the St. Michael, and had, in consequence, reminded him of our arrangement by a private note.

In the interview of the 29th of June, I soon found it necessary to throw out an intimation, that the power vested in the president by congress, to suspend the embargo act and its supplements, would be exercised as regarded Great Britain, if their orders were repealed, as regarded the United States. To have urged the revocation, upon the mere ground of strict right, or of general policy, and there to have left the subject, when I was authorized to place it upon grounds infinitely stronger, would have been, as it appeared to me, to stop short of my duty. Your letters to Mr. Erskine (which Mr. Canning has read and considered) had exhausted the first of these grounds, and endless discussions here, in every variety of form, in and out of parliament, had exhausted the second. There was, besides, no objection of any force, to my availing myself, without delay of the powerful inducements, which the intimation in question was likely to furnish to Great Britain, to abandon her late system; and it seemed to be certain that, by delaying to present these inducements to Mr. Canning's consideration, I should not only lose much time, but finally give to my conduct a disingenuous air, which, while it must be foreign to the views and sentiments of the president, could hardly fail to make a very unfavorable impression upon the minds of Mr. Canning and his colleagues. I thought, moreover, that if I should reserve the suggestion for a late stage of our discussions, it would be made to wear the appearance of a concession reluctantly extorted, rather than of what it was, the spontaneous result of the characteristic frankness and honorable policy of our government.

The intimation once made, a

complete developement of its natural consequences, if properly acted upon, followed of course; and taking advantage of the latitude afforded by the informal nature of a mere conversation, I endeavored to make that developement as strong an appeal as, consistently with truth and honor, I could (and there was no necessity to do more) to the justice and the prudence of this government.

It was not possible, however, that Mr. Canning could require to be assisted by my explanations. It was plain, upon their own principles, that they could not equitably persevere in their orders in council, upon the foundation of an imputed acquiescence, on our part, in French invasions of our neutral rights, when it was become (if it was not always) apparent, that this imputation was completely and in all respects an error; when it was manifest that these orders, by letting loose upon our rights a more destructive and offensive persecution than it was in the power of France to maintain, interposed between us and France, furnished answers to our remonstrances against her decrees and pretexts for those decrees, and stood in the way of that very resistance which Great Britain affected to inculcate, as a duty, at the moment when she was taking the most effectual measures to embarrass and confound it; and when it was also manifest, that a revocation of those orders would, if not attended or followed by a revocation of the decrees of France, place us at issue with that power, and result in a precise opposition, by the United States, to such parts of her anti-commercial edicts as it became us to repel.

In a prudential view my explanations seemed still less to be required. Nothing could be more clear than that, if Great Britain revoked her orders, and entitled herself to a suspension of the embargo, her object (if it were any thing short of the establishment and practical support of an exclusive dominion over the seas) must, in some mode or other, be accomplished, whether France followed her example, or not. In the first case, the avowed purpose of the British orders would be fulfilled, and commerce would resume its accustomed prosperity and expansion. In the last, the just resistance of the U. States (more efficacious than that of the British orders) to French irregularities and aggressions, would be left to its fair operation (and it was impossible to mistake the consequences), while the commercial intercourse between the United States and Great Britain, being revived, would open the way for a return to good understanding, and, in the end, for an adjustment of all their differences.

On the 29th of July I met Mr. Canning again, and was soon apprised that our discussions, if continued at all, must take a new form.

As there is now no reason for detaining the St. Michael, she will be dispatched immediately for L'Orient.

[EXTRACT.]

MR. PINKNEY TO MR. MADISON.

London, Sept. 6th, 1808.

I have an opportunity of writing by Mr. Bethune, who leaves town to-morrow for Falmouth, to embark for the United States in the British packet; and I cannot omit to take advantage of it, although I have still nothing conclusive to communicate.

The Hope arrived off Falmouth, and landed Mr. Atwater, on the 16th of last month, and immediately proceeded on her voyage to Havre, with a fair wind. Mr. Atwater arrived in London on the 20th, in the evening, and delivered your letter of the 18th of July.

My public letter of the 4th of August will have apprised you of the footing on which my different interviews with Mr. Canning left the subject of the British orders in council; and my private letter of the 2d of that month, will have made you acquainted with my intention to present, in an official note, what I had ineffectually suggested in conference.

To such a course there could not, even in the first instance, have been any other objection than that it was calculated to lead to discussion, rather than to adjustment; but, whatever might be its tendency, it is certain that I could have no inducement to resort to it, until it was indicated by Mr. Canning as indispensible, nor any motive to decline it, afterwards.

At our last interview, and not before, it was unexpectedly found, that it was in that mode only, that I could obtain a knowledge of the light in which this government thought fit to view the overture I had been directed to make to it; and I determined, in consequence, to lay before it, in writing, the intentions of the president, with the same frankness which had characterized my verbal communications.

I have now the honor to transmit a copy of the note, which, in conformity with that determination, I delivered in person to Mr. Canning on the 26th of last month, a few days after its date. To this note no answer has yet been returned; but it is to be presumed, that it will not be much longer withheld.

You will perceive, that some time had elapsed, after I had sent off my dispatches by the St. Michael (the 8th of August) before my note was presented. The truth is, that I had employed a part of that time in framing a note of great length, which, when nearly completed, I thought it prudent to abandon, in favor of one that held out fewer invitations to unprofitable discussions, which, although I would not shun them, if pressed upon me, I did not suppose it proper that I should seek.

I believed, too, that a little delay on my part would be far from being disadvantageous. There would still be sufficient time for obtaining a final answer to my proposal, in season for the meeting of congress; and as the temper of this government, so far as it had been tried, had not appeared to be favorable to my purpose, I believed that I should act in the spirit of my instructions, and consult the honor of my government, by avoiding, under such circum-

stances, the appearance of urgency and precipitation.

Upon the terms or general plan of my note, it is not, I hope, necessary to remark. You will discover, that it was prepared under a persuasion that, whatever might be its effect, it was infinitely better to make it as conciliatory as, without a sacrifice of principle or national dignity, was possible.

The topics to be embraced by it, were such as did not demand, but rather forbade, minute exposition. While it was difficult to urge, in their full force, without seeming to aim at exciting a disposition unfriendly to the object of my instructions, all the considerations which justified the U. States in remonstrating against the British orders, it was yet more difficult, without a degree of harshness, scarcely suited to the occasion, and without also the hazard of indiscretion, to display in detail the signal injustice and impolicy of persevering in them, after what I had proposed. This could be done, and had been done in conversation ; but it did not, upon trial, appear to be equally practicable, in the more formal and measured proceeding which I was now called upon to adopt.

I considered, besides, that an overture, so highly advantageous to Great Britain, which the United States were not bound to make by any obligations of equity, although it was wise to make it, did not require, with any view to the character of my country, or even to the success of the overture itself, to be again recommended, by an anxious repetition of arguments already fully understood.

As soon as my note was prepared, I called at the foreign office to arrange an interview with Mr. Canning, for the purpose of enabling me to accompany the delivery of it with a communication, which I deemed important, as well as of affording him an opportunity of asking and receiving such explanations as he might desire. The interview took place on the 26th of August.

It had occurred to me that it would be proper (and could not be injurious) to read to Mr. Canning, from your letter to me of the 18th of July, a brief summary of the instructions under which I was acting. This had not been requested ; but it could not be unacceptable, and it was, besides, well calculated to do justice to the liberal sentiments by which my instructions had been dictated, as well as to give weight to my efforts, in the execution of them.

I was led by the reading of these passages, (without having originally intended it) into a more extensive explanation, than I had before attempted, of the influence which the proposal of my government would have, in truth, as well as in the judgment of the world, upon the supposed justice of their new system, as it affected the United States. To that explanation, with the particulars of which I will not, and indeed, for want of time, cannot, at present trouble you, I added a concise recapitulation of some of the prudential considerations which had been so often pressed before, and there I left the subject.

(EXTRACTS.)

MR. PINKNEY TO MR. MADISON, DATED

London, Sept. 24th, 1808.

I am now enabled to transmit to you a copy of Mr. Canning's answer, received only last night, to my note of the 23d of August.

I regret extremely that the views, which I have been instructed to lay before this government, have not been met by it as I had at first been led to expect. The overture cannot fail, however, to place in a strong light the just and liberal sentiments by which our government is animated, and, in other respects, to be useful and honorable to our country.

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MR. PINKNEY TO MR. CANNING.

Great Cumberland Place, Aug. 23d, 1808.

SIR—I have had the honor, in consequence of the orders of the president, to recall your attention, in the course of several recent interviews, to the British orders in council of the 7th of January and 11th of November, 1807, and to the various other orders founded upon or in execution of them: and I now take the liberty to renew, in the mode which I have understood to be indispensible, my instances on that subject.

I need scarcely remind you, sir, that the government of the United States has never ceased to consider these orders as violating its rights, and affecting most destructively its interests, upon grounds wholly inadmissible, both in principle and fact.

The letters of Mr. Madison to Mr. Erskine, of the 20th and 29th of March, 1807, produced by the official communication of that minister of the order of the 7th of January, and the answer of Mr. Madison of the 25th of March, 1808, to a like communication of the orders of the 11th of November, contained the most direct remonstrances against the system which these orders introduce and execute, and expressed the confident expectation of the president, that it would not be persisted in.

That expectation has not yet been fulfilled; but it has, notwithstanding, not been relinquished. The president is still persuaded that its accomplishment will result from a careful review, by his majesty's government, made in the spirit of moderation and equity, of the facts and considerations which belong to the occasion.

It is not my purpose to recapitulate, in this note, the statements and reasonings contained in the above mentioned letters of Mr. Madison, in support of the claim of the government of the United States, that the British orders be revoked. I content myself with referring to those letters for proofs which it is not necessary to repeat, and for arguments which I could not hope to improve.

But there are explanations which those letters do not contain, and which it is proper for me now to make. Even these, however, may be very briefly given, since you have already been made acquainted, in our late conversations, with all their bearings and details.

These explanations go to shew, that, while every motive of jus-

tice conspires to produce a disposition to recall the orders of which my government complains, it is become apparent that even their professed object will be best attained by their revocation.

I have the honor to state to you, sir, that it was the intention of the president, in case Great Britain repealed her orders, as regarded the United States, to exercise the power vested in him by the act of the last session of congress, entitled, "an act to authorise the president of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several supplementary acts thereto," by suspending the embargo law and its supplements, as regards Great Britain.

I am authorised to give you this assurance in the most formal manner; and I trust that upon impartial inquiry it will be found to leave no inducement to perseverance in the British orders, while it creates the most powerful inducements of equity and policy to abandon them.

On the score of justice it does not seem possible to mistake the footing upon which this overture places the subject; and I venture to believe that in any other view there is as little room for doubt.

If, as I suppose, your orders should be rescinded as to the U. States, and our embargo rescinded as to Great Britain, the effect of these concurrent acts will be, that the commercial intercourse of the two countries will be immediately resumed; while, if France should adhere to maxims and conduct derogatory to the neutral rights of the United States, the embargo, continuing as to her, will take the place of your orders, and lead, with an efficacy not merely equal to theirs, but probably much greater, to all the consequences that ought to result from them.

On the other hand, if France should concur in respecting those rights, and commerce should thus regain its fair immunities, and the law of nations its just dominion, all the alleged purposes of the British orders will have been at once fulfilled.

If I forbear to pursue these ideas through all the illustrations of which they are susceptible, it is because the personal conferences to which I have before alluded, as well as the obvious nature of the ideas themselves, render it unnecessary.

I cannot conclude this note without expressing my sincere wish, that what I have now suggested, in conformity with the liberal sentiments and enlightened views of the president, may contribute, not only to remove the more immediate obstacles to the ordinary intercourse of trade between your country and mine, in a manner consistent with the honor of both, but to prepare the way for a satisfactory adjustment of every question important to their future friendship.

I have the honor to be,
With the highest consideration,
Sir,
Your obedient servant,
WILLIAM PINKNEY.

The right hon. George Canning, &c. &c.

MR. CANNING TO MR. PINKNEY.

Foreign Office,
Sept. 23d, 1808.

The undersigned his majesty's principal secretary of state for foreign affairs, had the honor to receive the official letter addressed to him by Mr. Pinkney, minister plenipotentiary of the United States, respecting the orders in council issued by his majesty on the 7th of January and 11th of November, 1807.

He has laid that letter before the king: and he is commanded to assure Mr. Pinkney, that the answer to the proposal, which Mr. Pinkney was instructed to bring forward, has been deferred only in the hope that the renewed application, which was understood to have been recently made by the government of the United States to that of France, might, in the new state of things which has arisen in Europe, have met with such a reception in France, as would have rendered the compliance of his majesty with that proposal consistent, as much with his majesty's own dignity, and with the interests of his people, as it would have been with his majesty's disposition towards the United States.

Unhappily, there is now no longer any reason to believe, that such a hope is likely to be realized; and the undersigned is, therefore, commanded to communicate to Mr. Pinkney the decision, which, under the circumstances as they stand, his majesty feels himself compelled, however unwillingly, to adopt.

The mitigated measure of retaliation, announced by his majesty in the order in council of the 7th of January, and the further extension of that measure (an extension in operation, but not in principle) by the orders in council of November, were founded (as has been already repeatedly avowed by his majesty) on the "unquestionable right of his majesty to retort upon the enemy the evils of his own injustice;" and upon the consideration, that "if third parties incidentally suffered by these retaliatory measures, they were to seek their redress from the power, by whose original aggression that retaliation was occasioned."

His majesty sees nothing in the embargo, laid on by the president of the United States of America, which varies this original and simple state of the question.

If considered as a measure of impartial hostility against both belligerents, the embargo appears to his majesty to have been manifestly unjust, as, according to every principle of justice, that redress ought to have been first sought from the party originating the wrong. And his majesty cannot consent to buy off that hostility, which America ought not to have extended to him, at the expence of a concession made, not to America, but to France.

If, as it has more generally been represented by the government of the United States, the embargo is only to be considered as an innocent municipal regulation, which affects none but the United States themselves, and with which no foreign state has any concern; viewed in this light, his majesty does not conceive, that he has the right, or the pretension, to make any com-

plaint of it, and he has made none. But, in this light, there appears not only no reciprocity, but no assignable relation between the repeal, by the United States, of a measure of voluntary self restriction, and the surrender, by his majesty, of his right of retaliation against his enemies.

The government of the United States is not now to be informed, that the Berlin decree of November 21st, 1806, was the practical commencement of an attempt, not merely to check or impair the prosperity of Great Britain, but utterly to annihilate her political existence, through the ruin of her commercial prosperity; that in this attempt, almost all the powers of the European continent have been compelled, more or less, to co-operate; and that the American embargo, though most assuredly not intended to that end, (for America can have no real interest in the subversion of the British power, and her rulers are too enlightened to act from any impulse, against the real interests of their country) but by some unfortunate concurrence of circumstances, without any hostile intention, the American embargo did come in aid of the "blockade of the European continent," precisely at the very moment, when, if that blockade could have succeeded at all, this interposition of the American government would most effectually have contributed to its success.

To this universal combination, his majesty has opposed a temperate, but a determined retaliation upon the enemy; trusting, that a firm resistance would defeat this project; but knowing that the smallest concession would infallibly encourage a perseverance in it.

The struggle has been viewed by other powers, not without an apprehension that it might be fatal to this country. The British government has not disguised from itself, that the trial of such an experiment might be arduous and long; though it has never doubted of the final issue. But if that issue, such as the British government confidently anticipated, has providentially arrived much sooner than could even have been hoped; if "the blockade of the continent," as it has been triumphantly styled by the enemy, is raised even before it had been well established, and if that system, of which extent and continuity were the vital principles, is broken up into fragments utterly harmless and contemptible; it is nevertheless important in the highest degree, to the reputation of this country, (a reputation which constitutes great part of her power) that this disappointment of the hopes of her enemies should not have been purchased by any concession; that not a doubt should remain to distant times, of her determination and of her ability to have continued her resistance; and that no step, which could even mistakenly be construed into concession, should be taken on her part, while the smallest link of the confederacy remains undissolved, or while it can be a question, whether the plan devised for her destruction has, or has not, either completely failed, or been unequivocally abandoned.

These considerations compel his majesty to adhere to the prin-

ciples on which the orders in council of the 7th of January and the 11th of November are founded, so long as France adheres to that system, by which his majesty's retaliatory measures were occasioned and justified.

It is not improbable, indeed, that some alterations may be made in the orders in council, as they are at present framed; alterations calculated not to abate their spirit or impair their principle, but to adapt them more exactly to the different state of things which has fortunately grown up in Europe, and to combine all practicable relief to neutrals with a more severe pressure upon the enemy.

But of alterations to be made with this view only, it would be uncandid to take any advantage in the present discussion; however, it might be hoped, that in their practical effect they might prove beneficial to America, provided the operation of the embargo were not to prevent her from reaping that benefit.

It remains for the undersigned to take notice of the last paragraph of Mr. Pinkney's letter. There cannot exist, on the part of Mr. Pinkney, a stronger wish, than there does on that of the undersigned, and of the British government, for the adjustment of all the differences subsisting between the two countries.

His majesty has no other disposition than to cultivate the most friendly intercourse with the U. States.

The undersigned is persuaded, that Mr. Pinkney would be one of the last to imagine, what is often idly asserted, that the depression of any other country is necessary, or serviceable to the prosperity of this. The prosperity of America is essentially the prosperity of Great Britain, and the strength and power of Great Britain are not for herself only, but for the world. When those adjustments shall take place, to which, though unfortunately not practicable at this moment, nor under the conditions prescribed by Mr. Pinkney, the undersigned, nevertheless, confidently looks forward; it will perhaps be no insecure pledge for the continuance of the good understanding between the two countries, that they will have learnt duly to appreciate each other's friendship; and that it will not hereafter be imputed to Great Britain, either on the one hand, that she envies American industry as prejudicial to British commerce, or, on the other hand, that she is compelled to court an intercourse with America, as absolutely necessary to her own existence.

His majesty would not hesitate to contribute, in any manner in his power, to restore to the commerce of the United States, its wonted activity; and if it were possible to make any sacrifice for the repeal of the embargo, without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal, as a measure of inconvenient restriction upon the American people.

The undersigned is commanded, in conclusion, to observe, that nothing is said in Mr. Pinkney's letter, of any intention to repeal the proclamation, by which the ships of war of Great Britain are interdicted from all those rights of hospitality in the

ports of the United States, which are freely allowed to the ships of his majesty's enemies.

The continuance of an interdiction which, under such circumstances, amounts so nearly to direct hostility, after the willingness professed, and the attempt made by his majesty, to remove the cause on which that measure had been originally founded, would afford but an inauspicious omen for the commencement of a system of mutual conciliation; and the omission of any notice of that measure in the proposal which Mr. Pinkney has been instructed to bring forward, would have been of itself a material defect in the overture of the president.

But the undersigned is commanded no farther to dwell upon this subject than for the purpose of assuring Mr. Pinkney, that on this and every other point in discussion between the two governments, his majesty earnestly desires the restoration of a perfect good understanding; and that his majesty would decline no measure for the attainment of that object, which should be compatible with his own honor and just rights, and with the interests of his people.

The undersigned requests Mr. Pinkney will accept the assurances of his high consideration.

GEORGE CANNING.

CORRESPONDENCE BETWEEN MR. ERSKINE AND MR. MADISON.

Copy of a letter from the hon. David M. Erskine, esq. envoy extraordinary and minister plenipotentiary of his Britannic majesty, to the secretary of state of the United States, dated

Washington, March 12th, 1807.

SIR—I am charged by his majesty to express to the government of the United States, his majesty's perfect confidence in their good sense and firmness in resisting the unjust pretensions contained in the decree issued by the French government at Berlin, on the 21st November, which, if suffered to take effect, must prove so destructive to the commerce of all neutral nations.

His majesty has learnt that the measures announced in this decree, have already, in some instances, been carried into execution by the privateers of the enemy, and there could be no doubt that his majesty would have an indisputable right to exercise a just retaliation. Neutral nations cannot, indeed, expect that the king should suffer the commerce of his enemies to be carried on through them, whilst they submit to the prohibition which France has decreed against the commerce of his majesty's subjects. But though this right of retaliation would unquestionably accrue to his majesty, yet his majesty is unwilling, except in the last extremity, to have recourse to measures which must prove so distressing to all nations not engaged in the war against France.

His majesty, therefore, with that forbearance and moderation which have at all times distinguished his conduct, has deter-

mined, for the present, to confine himself to the exercise of the power given him by his decided naval superiority, in such a manner only as is authorized by the acknowledged principles of the law of nations, and has issued an order for preventing all commerce from port to port of his enemies, comprehending in this order, not only the ports of France, but those of other nations, as, either in alliance with France, or subject to her dominion, have by measures of active offence, or by the exclusion of British ships, taken a part in the present war.

His majesty feels an entire confidence that the moderation and justice of this conduct will be duly appreciated by the United States, and has charged me to express to their government, in the strongest terms, the regret he has experienced in being thus compelled, in his own defence, to act in a manner which must prove in some degree embarrassing to the commerce of neutral nations, and his sincere desire to avoid any stronger measures, to which, however, if the injustice and aggression of his enemies should not be resisted by those nations, whose rights and interests are invaded by so flagrant a violation of all public law, it may be ultimately necessary for the king to have recourse.

I have the honor to be, &c.

D. M. ERSKINE.

Hon. James Madison, esq.
secretary of state.

MR. MADISON TO MR. ERSKINE.

Department of State,
March 20th, 1807.

SIR—I have laid before the president your letter of the 12th inst. communicating the views of his Britannic majesty, in relation to the French decree of November 21st, 1806, and the principle of retaliation, through the commerce of neutrals, who may submit to the operation of that decree; as also, the measure actually taken, of prohibiting all neutral commerce from port to port, of his enemies, not only the ports of France, but those of such other nations, as, either in alliance with France, or subject to her dominion, have, by measures of active offence, or by the exclusion of British ships, taken a part in the present war.

The president cannot be insensible, sir, to the friendship and confidence towards the United States, which are signified by his Britannic majesty in this communication. In making this acknowledgment, however, the president considers it not less incumbent on him, to reserve, for a state of things which it is hoped may never occur, the right of discussing the legality of any particular measures, to which resort may be had, on a ground of retaliation. At this time, it would suffice to observe, that it remains to be more fully ascertained, in what sense the decree in question will be explained, and to what extent it will be carried into execution; and consequently, whether in any case the United States

can be involved in questions concerning measures of retaliation, supposed to accrue to one belligerent, from such a proceeding, by another. But it is worthy the justice and the liberality of the British government, to recollect, that within the period of those great events, which continue to agitate Europe, instances have occurred, in which the commerce of neutral nations, more especially of the United States, has experienced the severest distresses from its own orders and measures, manifestly unauthorised by the law of nations. The respect which the United States owe to their neutral rights, and the interest they have in maintaining them, will always be sufficient pledges, that no culpable acquiescence on their part, will render them accessory to the proceedings of one belligerent nation, through their rights of neutrality, against the commerce of its adversary.

With regard to the particular order issued against the trade of neutrals, from one port to another of the enemies of Great Britain, no fair objection can lie against it, provided it be founded on, and enforced by, actual blockades as authorized by the law of nations. If, on the other hand, the order has reference, not to such a blockade, but to a supposed illegality of the neutral trade from one to another of the described ports, the remark is obvious, that on that supposition, the order is superfluous; the trade being, as interdicted by the law of nations, liable at all times, without any such order, to the capture of British cruisers and the condemnation of British courts; and if not interdicted as such by the law of nations, it can no otherwise be made illegal, than by a legal blockade of the ports comprehended in the order. This inference is applicable, even to the case of a neutral trade between the ports of France herself, since it is not a principle of the acknowledged law of nations, that neutrals may not trade from one to another port of the same belligerent nation. And it would be an innovation on that law, not before attempted, to extend the principle to a neutral trade between ports of different countries, confessedly open in times of peace as well as of war.

If the British order refers for its basis, to the principle of retaliation against the French decree, it falls under the observations already made on that subject, and which need not be repeated.

I am, &c.

JAMES MADISON.

Hon. David M. Erskine,
&c. &c.

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MR. MADISON TO MR. ERSKINE.

Department of State,
March 25th, 1808.

Sir—Having laid before the president your letter of the 23d of February, explaining the character of certain British orders of council issued in November last, I proceed to communicate the observations and representations, which will manifest to your government the sentiments of the president on so deep a violation of the commerce and rights of the United States.

These orders interdict to neu-

tral nations, or rather to the U. States, now the only commercial nation in a state of neutrality, all commerce with the enemies of Great Britain, now nearly the whole commercial world, with certain exceptions only, and under certain regulations, but too evidently fashioned to the commercial, the manufacturing, and the fiscal policy of Great Britain; and, on that account, the more derogatory from the honor and independence of neutral nations.

The orders are the more calculated to excite surprise in the United States, as they have disregarded the remonstrances conveyed in my letters of the 20th and 29th of March, 1807, against another order of council, issued on a similar plea, in the month of January, 1807. To those just remonstrances no answer was indeed ever given; whilst the order has continued in its pernicious operation against the lawful commerce of the United States; and we now find added to it, others, instituting still more ruinous depredations, without even the addition of any new pretext: and when, moreover, it is notorious that the order of January was of a nature greatly to overbalance, in its effects, any injuries to Gt. Britain that could be apprehended from the illegal operation of the French decree, on which the order was to retaliate, had that decree, in its illegal operation, been actually applied to the U. States, and been acquiesced in by them.

The last orders, like that of January, proceed on the most unsubstantial foundation. They assume for fact, an acquiescence of the United States, in an unlawful application to them of the French decree; and they assume for a principle, that the right of retaliation accruing to one belligerent is not to have for its measure that of the injury received; but may be exercised in any extent, and under any modifications, which may suit the pleasure or the policy of the complaining party.

The fact, sir, is unequivocally disowned. It is not true that the United States have acquiesced in an illegal operation of the French decree; nor is it even true, that at the date of the British orders of November 11, a single application of that decree to the commerce of the United States, on the high seas, can be presumed to have been known to the British government.

The French decree in question has two distinct aspects; one clearly importing an intended operation within the territorial limits as a local law; the other apparently importing an intended operation on the high seas.

Under the first aspect, the decree, however otherwise objectionable, cannot be said to have violated the neutrality of the U. States. If the governing powers on the continent of Europe choose to exclude from their ports, British property or British productions, or neutral vessels, proceeding from British ports, it is an act of sovereignty which the United States have no right to controvert. The same sovereignty is exercised by Great Britain, at all times, in peace as well as in war, towards her friends as well as her enemies. Her statute books presents a thousand illustrations.

It is only, therefore, under the

other aspect of the decree, that it can have violated neutral rights: and this would have resulted from its execution on the high seas, whether on the pretext of a nominal blockade, or with a view to enforce a domestic regulation against foreign vessels, not within the domestic precincts, but under the authority and protection of the law of nations.

Had then the French decree been executed on the high seas against the commerce of the U. States with Great Britain; and have the United States acquiesced in the unlawful and injurious proceeding?

I state, sir, on undeniable authority, that the first instance, in which that decree was put in force against the neutral rights of the United States, was that of the Horizon, an American ship bound from Great Britain to Lima, wrecked within the territorial jurisdiction of France, but condemned under an exposition of the decree, extending to the high seas its operation against neutrals. This judicial decision took place as late as the 16th day of October, 1807, and was not officially known to the minister plenipotentiary of the United States at Paris till some time in November. At the date, therefore, of the first order of Great Britain, no injury whatever had been done to her, through an aggression on the commerce of the United States. No presumption even had been sufficiently authorised, that the express stipulations in the treaty of France with the United States would not exempt their commerce, at least, from the operation of any edict incompatible with them. At the date even of the latter orders of November 11, it appears that the only aggression, which had then occurred, was pretty certainly unknown to the British government, and could therefore have had no share in producing this alleged retaliation.

To the fact, that the case of the ship Horizon was the first that occurred, of an execution of the French decree on the high seas, I am able to add, that as late as the 30th of November, no other case had been brought into the French court of prizes. From accounts which have lately appeared, it is more than probable that unlawful captures by French cruisers have since taken place; but it remains to be known whether they are to be referred to the concurrence of the French government in the judgment pronounced in the case of the Horizon, or not rather to a French decree of the 17th of December last, professing to be a retaliation on the British orders of November 11.

I state with equal confidence, that at no time have the United States acquiesced in violations of their neutral rights injurious to Great Britain, or any other belligerent nation. So far were they, in particular, from acquiescing in the French decree of November, 1806, that the moment it was known to their minister at Paris, he called for explanations of its meaning in relation to the United States, which were favorable, and uncontradicted by the actual operation of the decree; that he steadily watched over the proceedings under it, with a readiness to interpose against any unlawful extension of them to the

commerce of the United States; that no time was lost, after the decree came to the knowledge of the government here, in giving him proper instructions on the subject; that he was equally prompt, on receiving the decision of the court in the case of the Horison, in presenting to the French government a remonstrance in terms which never can be censured for a defect of energy; and that by the first opportunity, after that decision reached the president the particular instructions required by it were forwarded to that minister. Nor is it to be forgotten, that previous to the British orders of November, it had been explicitly communicated to the British government, by the American minister at London, that explanations, uncontradicted by any overt act, had been given to our minister at Paris, which justified a reliance, that the French decree would not be put in force against the United States; and that the communication was repeated to the British government immediately on the publication of those orders.

What more could have been required on the part of the United States, to obviate retaliating pretensions of any sort on the part of Great Britain? Retaliations are measures of rigor in all cases. Where they are to operate through a third and involuntary party, they will never be hastily resorted to, by a magnanimous or a just power; which will always allow to the third party, its right to discuss the merits of the case, and will never permit itself to enforce its measures without affording a reasonable time, for the use of reasonable means, for substituting another remedy. What would be the situation of neutral powers, if the first blow levelled through them by one belligerent against another, was to leave them no choice but between the retaliating vengeance of the latter, and an instant declaration of war against the former? Reason revolts at this, as the sole alternative. The United States could no more be bound to evade the British orders, by an immediate war with France, than they were bound to atone for the burning of the French ship of war on the shore of North Carolina, by an immediate resort to arms against Great Britain.

With respect to the principle assumed by the British orders, it is perfectly clear, that it could not justify them in the extent given to their operation, if the facts erroneously assumed could have been fully sustained.

Retaliation is a specific or equivalent return of injury, for injury received; and where it is to operate through the interests of a third party, having no voluntary participation in the injury received, the return ought, as already observed, to be inflicted with the most forbearing hand.

This is the language of common sense, and the clearest equity. As the right to retaliate results merely for the wrong suffered, it cannot in the nature of things, extend beyond the extent of the suffering. There may often be a difficulty in applying this rule with exactness, and a reasonable latitude may be allowable on that consideration. But a manifest and extravagant departure from the rule can find no apology.

What then is the extent of the injury experienced by Great Britain from the measures of her enemies, so far as the operation of those measures through the United States, can render them in any sense responsible?

A mere declaration by a belligerent, without the intention or the means to carry it into effect against the rights and obligations of a neutral nation, and thence against the interests of another belligerent, could afford no pretext to the latter to retaliate at the expense of the neutral. The declaration might give just offence to the neutral, but it would belong to him alone to decide on the course prescribed by the respect he owed to himself. No real damage accruing to the belligerent, no indemnity could accrue.

For the same reason, a declaration of a belligerent which he is known to be either not in a situation, or not to intend to carry, but partially, into execution against a neutral, to the injury of another belligerent, could never give more than a right to a commensurate redress against the neutral. All remaining unexecuted, and evidently not to be executed, is merely ostensible; working no injury to any, unless it be in the disrespect to the neutral, to whom alone it belongs to resent or disregard it. Bring the case before us to this plain and equitable test. The French decree of November, 1806, undertook to declare the British isles in a state of blockade, to be enforced, if you please, against the neutral commerce of the United states, on the high seas, according to the faculty possessed for the purpose. As far as it was actually enforced, or an effect resulted from an apprehension that it could and would be enforced, it was an injury to Great Britain, for which, let it be supposed, the United States were answerable. On the other hand, as far as it was not enforced, and evidently either would not or could not be enforced, no injury was experienced by Great Britain, and no remedy could lie against the United States. Now, sir, it never was pretended that, at the date of the first British order, issued in January, 1807, any injury had accrued to, or was apprehended by Great Britain, from an execution of the French decree against the commerce of the United States, on the theatre of their neutral rights: so far from it, that the order stands self-condemned as a measure of retaliation, by expressly stating that the fleets of France and her allies, instead of being able to enforce the blockade of the British isles, were themselves confined to their own ports, by the entire superiority of the British navy: converting thus, by the strangest of reasonings, the security of Great Britain against injury from the French decree, into a title to commit injury on a neutral party.

In the November orders also, whilst it is admitted that the French decree could not be but imperfectly executed, for want of means, it is asserted that the intention of the French decree, and not the injury accruing from its operation through the commerce of the United States, is the scale by which the retaliating injury against them is to be measured.

Such are the pretexts, and such the principles, on which one

great branch of the lawful commerce of this country became a victim to the first British order, and on which the last orders are now sweeping from the ocean all its most valuable remains.

Against such an unprecedented system of warfare on neutral rights, and national independence, the common judgment and common feelings of mankind must forever protest.

I touch, sir, with reluctance, the question, on which of the belligerent sides the invasion of neutral rights had its origin. As the United States do not acquiesce in these invasions by either, there could be no plea for involving them in the controversy. But as the British orders have made the decree of France, declaring, contrary to the law of nations, the British islands in a state of blockade, the immediate foundation of their destructive warfare on our commerce, it belongs to the subject to remind your government of the illegal interruptions and spoliations suffered, previous to that decree, by the neutral commerce of the United States, under the proceedings of British cruizers and courts, and for the most part, in consequence of express orders of the government itself. Omitting proofs of inferior note, I refer to the extensive aggressions on the trade of the United States, founded on the plea of blockades never legally established according to recognized definitions; to the still more extensive violations of our commerce, with ports of her enemies not pretended to be in a state of blockade; and to the British order of council issued near the commencement of the existing war. This order, besides its general interpolation against the established law of nations, is distinguished by a special ingredient, violating that law as recognized by the course of decisions in the British courts. It subjects to capture and condemnation all neutral vessels, returning with lawful cargoes, on the sole consideration, that they had, in their outward voyage, deposited contraband of war at a hostile port.

If the commerce of the United States, could, therefore, in any case, be reasonably made the victim and the sport of mutual charges and reproaches between belligerent parties, with respect to the priority of their aggressions on neutral commerce, Great Britain must look beyond the epoch she has chosen, for illegal acts of her adversary, in support of the allegation on which she founds her retaliating edicts against our commerce.

But the United States are given to understand, that the British government has, as a proof of its indulgent and amicable disposition towards them, mitigated the authorized rigor it might have given to its measures, by certain exceptions peculiarly favorable to the commercial interests of the United States.

I forbear, sir, to express all the emotions with which such a language, on such an occasion, is calculated to inspire a nation which cannot for a moment be unconscious of its rights, nor mistake, for an alleviation of wrongs, regulations, to admit the validity of which would be to assume badges of humiliation never worn by an independent power.

The first of these indulgences

is a commercial intercourse with the dependencies of the enemies of Great Britain, and it is considered as enhanced by its being a deviation in favor of the United States, from the ancient and *established* principle of maritime law, prohibiting altogether such an intercourse in time of war.

Surely, sir your government, in assuming this principle, in such terms, in relation to the United States, must have forgotten their repeated and formal protests against it, as these are to be found in the discussions and communications of their minister at London, as well as in explanations occasionally made on that subject to the British representative here. But permit me to ask more particularly, how it could have happened, that the principle is characterized as an ancient and established one? I put the question the more freely, because it has never been denied that the principle, as asserted by your government, was, for the first time, introduced during the war of 1750. It is, in fact, invariably cited and described, in all judicial and other official transactions, "as the rule of 1750." It can have no pretension, therefore, to the title of an *ancient* rule.

And instead of being an *established* rule or principle it is well known that Great Britain is the only nation that has acted upon, or otherwise given a sanction to it. Nay, it is not even an established principle in the practice of Great Britain herself. When first applied in the war of 1756, the legality of a neutral trade with enemies colonies was not contested by it. In certain cases only of the colonial trade, the allegation was, that the presumptive evidence arising from circumstances, against the bona fide neutrality of the ownership, justified the condemnation as of enemy's property. If the rule of condemnation was afterwards, during that war, converted into the principle now asserted, it could not possibly have been in operation, in its new shape, more than a very few years. During the succeeding war of 1778, it is admitted by every British authority, that the principle was never brought into operation. It may be regarded, in fact, as having been silently abandoned. And within the period of war, since its commencement in 1793, the manner in which the principle has been alternately contracted and extended, explained sometimes in one way, sometimes in another, rested now on this foundation, now on that, is no secret to those who have attended to its history and progress in the British orders of council, and the British courts of admiralty.

With the exception, therefore, of a period, the last in modern times from which authentic precedents of maritime law will be drawn, and throughout which the United States, more interested in the question than any other nation, have uniformly combated the innovation, the principle has not in the British tribunals been in operation for a longer term than three, four, or five years, whilst in no others has it ever made its appearance but to receive a decision protesting against it.

Such is the antiquity, and such the authority of a principle, the deviations from which are held out as so many favors consoling the United States for the wide

spread destruction of their legitimate commerce.

What must be said as to the other exceptions which seem to have been viewed as claims on the gratitude of the United States? Is it an indulgence to them in carrying on their trade with the whole continent of Europe, to be laid under the necessity of going first to a British port, to accept a British license, and to pay a tribute to the British exchequer, as if we had been reduced to the colonial situation which once imposed these monopolizing restraints?

What again must be said as to the other features which we see blended on the face of these regulations? If the policy of them be to subject an enemy to privations, why are channels opened for a British trade with them which are shut to a neutral trade? If, in other cases, the real object be to admit a neutral trade with the enemy, why is it required that neutral vessels shall perform the ceremony of passing through a British port, when it can have no imaginable effect but the known and inevitable one of prohibiting the admission of the trade into the port of destination?

I will not ask why a primary article of our productions and exports, cotton-wool, is to be distinguished, in its transit, by a heavy impost, not imposed on other articles, because it is frankly avowed, in your explanation of the orders, to be intended as an encouragement to British manufactures, and a check to the rival ones of France? I suppress, also, though without the same reason for it, the inquiry, why less rigorous restrictions are applied to the trade of the Barbary powers, than are enforced against that of a nation, such as the United States, and, in relations, such as have existed between them and Great Britain.

I cannot, however, pass without notice the very unwarrantable innovations, contained in the two last of the orders. In one of them, a certificate of the local origin of a cargo, although permitted in the port of departure, and required in the port of destination, by regulations purely domestic in both, and strictly analagous in principle to regulations in the commercial code of Great Britain, is made a cause of capture on the high seas, and of condemnation in her maritime courts. In the other order, the sale of a merchant ship, by a belligerent owner to a neutral, although a transaction as legal, when fair, as a dealing in any other article, is condemned by a general rule, without an atom of proof, or of presumption, that the transfer in the particular case, is fraudelent, and the property, therefore, left in an enemy.

In fine, sir, the president sees in the edicts communicated by you, facts assumed which did not exist; principles asserted, which never can be admitted; and, under the name of retaliation, measures transcending the limits reconcilable with the facts and the principles, as if both were as correct as they are unfounded. He sees, moreover, in the modifications of this system, regulations, violating equally our neutral rights and our national sovereignty. He persuades himself, therefore, that your government will see in the justice of the observations now

made in addition to those I had the honor, verbally, to state to you in the first instance, that the United States are well warranted in looking for a speedy revocation of a system, which is every day augmenting the mass of injury for which the United States have the best of claims to redress.

I have the honor to be,
With great respect and consideration,
Sir, yours, &c. &c.
JAMES MADISON.

The hon. David M. Erskine, &c. &c.

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FROM MR. MADISON TO MR. ERSKINE.

Department of State.
March 29th, 1807.

Sir—Further reflection on the tenor and tendency of the order of his Britannic majesty, communicated by your letter of the 12th instant, which was answered by mine of the 20th, induces me to resume that important subject.

From the difficulty of supposing that the order can have for its basis, either a legal blockade impossible to be extended to all the ports described in the order, or a supposed illegality of the trade between those ports, an illegality which has never been applied by the British government, or its admiralty courts to an *accustomed* trade, even between the ports of the same belligerent nation, and is utterly at variance with the conduct of both in reference to a trade between a belligerent nation and its allies; a necessity seems to result of ascribing the order to the policy of countervailing, through the commerce of neutrals, the French decree of the 21st of November last.

In this view of the order, it demands, on the part of the United States, the most serious attention both to its principle, and to its operation.

With respect to its *principle*, it will not be contested that a retaliation by one nation on its enemy, which is to operate through the interest of a nation not an enemy, essentially requires not only that the injury inflicted should be limited by the measure of injury sustained; but that every retaliating step, in such a case, should be preceded by an unreasonable failure of the neutral party to put an end, in some mode or other, to the inequality wrongfully produced.

Were it certain, therefore, that the French decree is to be enforced in the sense in which it is taken, and that in violation of the treaty between France and the United States, the commerce of the latter will not be exempted; the British order, being peremptory in its import, and immediate in its execution, might justly be regarded by the United States, as a proceeding equally premature and unfriendly.

But in the uncertainty as to the real meaning of that decree; and whilst a presumption offered itself, that the decree, if avowed and executed in an unlawful extent, might not embrace the commerce of the United States, they are bound by justice to their interests, as well as by respect for their rights, to consider the British order as a ground for serious complaint and remonstrance.

Should it prove that the decree

had not the meaning ascribed to it, and particularly, should the respect of France for her treaties with the United States exempt their trade from the operation of the decree, the order of the British government will stand exposed to still severer comments. It will take the character of an original aggression, will furnish the French government, a like ground with that assumed by itself, for retaliating measures, and will derive a very unfavorable feature from the consideration, that it was a palpable infraction of a treaty just signed on the part of the British government, and expected, at the date of the order, to be speedily ratified on the part of the United States.

The necessity of presenting the subject in its true light, is strengthened by the *operation* which the British order will have on a vast proportion of the entire commerce of the United States. Not to dwell on the carrying branch of the commerce between the ports and countries of Europe, and which the immunity given by our flag in consequence of treaties with the enemies of Great Britain, to British property, and not enjoyed by the property of her enemies, has hitherto been advantageous to Great Britain; and without enquiring into the effect of an application of the interdict, to the other quarters of the globe, all of which are evidently within the comprehensive terms of the order, it cannot be overlooked, that the character and course of nearly the whole of the American commerce with the ports of Europe, other than of Great Britain, will fall under the destructive operation of the order. It is well known that the cargoes exported from the United States, frequently require that they be disposed of, partly at one market, and partly at another. The return cargoes are still more frequently collected at different ports; and not unfrequently, at ports different from those receiving the outward cargoes. In this circuitous voyage, generally consisting of several links, the interest of the undertakers materially requires also, either a trade or a freightage between the ports visited in the circuit. To restrain the vessels of the United States, therefore, from this legitimate and customary mode of trading with the continent of Europe, as is contemplated by the order, and to compel them on one hand to dispose of the whole of their cargoes at a port which may want but a part, and, on the other hand, to seek the whole of their returns at the same port, which may furnish but a part or perhaps no part of the articles wanted, would be a proceeding as ruinous to our commerce, as contrary to our essential rights.

These observations which are made in conformity with the sentiments of the president, cannot fail, sir, to have all the weight with an enlightened and friendly government, to which they are entitled; and the president persuades himself, that the good effect of the truths which they disclose, will be seen in such measures as will remove all ground for dissatisfaction, and demonstrate on that side, the same sincere disposition to cultivate harmony and beneficial intercourse,

as is felt and evinced by the United States and their government.

I have the honor to be, &c.

JAMES MADISON.

The hon. David M. Erskine, Esq.

COLONEL LEAR TO THE SECRETARY OF STATE.

[*Fourth Copy.*]

Algiers, March 28th, 1808.

Sir—I have the honor to inclose a triplicate of my respects to you of the 4th of January, and duplicates of that of the 9th instant, and the schedule of my account with the United States. Since forwarding the first of these, I have heard nothing respecting the United States, excepting by a letter from Mr. Montgomery, our consul in Alicante, that an embargo had been laid on all vessels in the ports of the United States.

It is with regret I have to inform you, that our affairs here wear a different aspect from what they did when I had last the honor of writing to you. On the 16th instant, the dey sent me a message by my drogerman, that I should pay immediately sixteen thousand dollars for eight of the subjects of his regency, said to have been destroyed on board the American schooner Mary-Ann, captured some time since by one of his frigates, as mentioned in my former letters. I returned for answer, that I had not yet received any authentic advices of this business, and could therefore say nothing about it. They dey then sent me word, that he would wait the arrival of the courier from Alicante, by which I might receive some information. But on the 24th (the courier not having yet arrived) the drogerman informed me, that the dey had sent for him, and ordered him to tell me, that if I did not pay the money before night, I should be sent to prison in chains. I ordered him to return immediately to the dey, and say that I could not pay the money, without the order of my government, as it was an affair out of the usual course of our business here; and that I was ready to meet the event. He brought me word that the dey would see me the next day, at noon, on the subject.

He accordingly sent for me at noon, on the 25th. When I entered the palace, I met Mr. Ulrick, the Danish consul, who was descending from an audience with the dey. He was seized by a Chaoux, who carried him through the streets, in the most indignant manner, to the slave prison, where he was loaded with an enormous chain; the reason assigned for which was, that he had been called upon for his biennial presents, which he declared he could not make, without having time given him; as the vessel containing it, and annuities for the regency had been taken by the English. On meeting the dey, he demanded from me immediate payment for the persons before mentioned, together with an additional two thousand dollars for the boy said to have been carried in the schooner to Naples. I told him, with firmness, that I could not pay it without the orders of my government, as it was an extraordinary case, and requested time to write

and receive an answer; but was answered, that if it was not paid immediately, I knew what the consequence would be. I replied that let the consequence be what it might, I should not pay it. I was then ordered to leave his presence. On descending to the area of the palace, where the Danish consul had been seized, I expected the same compliment which he had met with, and was *prepared* for it; but finding no one to molest me, I left the palace, and returned to my own home, where I supposed the orders would be sent to have me arrested; but the day passed without my hearing any thing more of the matter. In the evening I met the French and Swedish consuls (the others being at their gardens) and we agreed to send for the other consuls the following morning, to concert measures for the liberation of the Dane. At noon we met at the Danish consul's house, with our respective drogermen, and proceeded to the palace, where we had an audience of the dey; who, after some conversation, agreed to release the Danish consul from his chains, at the intercession made for him. From thence we went to the marine (where the consul had been sent to work with the *other* slaves, carrying a chain of 40lbs. weight) to receive and conduct him to his house.

While we were with the dey on the business before mentioned, he asked me, in presence of the consuls, if I did not intend to pay the money. I answered him as I had done the day before; to which he made the same reply; and I remain in daily expectation of experiencing the effects of this refusal; which is dictated by a sense of duty, and a conviction that the honor of my country demands such conduct from me. I make no comments on the unpleasantness of my situation. My government and my country will consider it, and do what is right respecting it.

As it is very likely that the cruizers which are now fitting out will have orders to capture American vessels, I have written to our consul in Alicante by this opportunity, which is unexpected, and the only one likely to occur soon, to convey notice to all the consuls of the United States, in this sea, to guard our merchant vessels against the evil which may occur. A copy of my letter to him I have now the honor to inclose. In consequence of the barbarous outrage which has been committed on the Danish consul, and threatened to be put in execution against me, the consuls have been brought to reflect on their precarious situation here, and I trust, that in a few days, there will be a compact entered into among us, that we will use our best endeavours to enforce that article, which exists in all the treaties between this regency and christian powers, securing the person and family of the consuls, from violence and outrage, in consequence of any thing he may do in the exercise of his official functions; and I hope each one will bind himself not to do any act as a public agent, while any one is held in, or threatened with, durance vile. Our respective governments, I trust will sanction such a measure, and give orders to their consuls accordingly.

Notwithstanding all I have stated, it is *possible* that the dey may not proceed to extremities towards me, or commit hostilities on our commerce and citizens, until I hear from my government on the subject. But I have thought it my duty to guard as much as possible against the evil, by giving notice to our vessels which may be in this sea, as well as those in the Atlantic; for, at present, there is nothing to prevent their cruizers from passing the straits.

The camp is expected to march in a few days against Tunis, and their cruizers are *said* to be intended for that quarter; but there is no doubt but some of them will cruize in every part of this sea, and probably go into the Atlantic.

With sentiments of the
highest respect, and
Most sincere attachment,
I have the honor to be, sir,
Your most faithful and
obedient servant.

TOBIAS LEAR.

The hon. James Madison.
Secretary of State of the
United States of America,
Washington.

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[*Fourth Copy.*]

Algiers, March 31st, 1808.

Sir—A copy of what I had the honor of writing to you, on the 28th instant, accompanies this, with its enclosures. The vessel which took the aforesaid letter did not sail until the 29th.

Yesterday I sent my drogerman to the palace to know of the dey what were his ultimate intentions (if he chose to declare them) respecting the business mentioned in my last; and to request that I might be allowed three months to receive the orders of my government. The answer brought was, that if I paid the money in the course of the day, we should stand as we were before; but if I did not, he would pursue his own measures. As I was yet uncertain whether his threats would be put in execution against me personally, or against our commerce, I remained fixed in my first resolution. This morning the two frigates, which had been preparing for sea for some days past, made the signal for sailing; and a formal message was sent to inform me that they had orders to capture American vessels. I saw them unmoor; and as I was now convinced from this, as well as from other indubitable evidence, that they had received orders to capture our vessels, (the threats of personal violence to me having had no effect) I thought it a duty which I owed to my government and to my country, to prevent, if possible, the calamity which might fall on our citizens and their property. I therefore sent to inform the dey, that if he should recall his orders from those vessels before they sailed, and make no renewal of them to these or others, I would pay the money; but that I considered it as a measure forced upon me, and as such should represent it to my government. The order was recalled after the frigates had got under weigh, and the money is to be paid to-morrow; which I shall obtain by bills on Mr. Gavino, our consul in Gibraltar, to whom I shall give

bills on the secretary of state of the United States to meet the same. The frigates have gone out, and the other cruizers will be got ready for sea immediately. A vessel is expected to sail in a few days for Alicante, by which I shall write to our consul contravening the positive advices for our vessels not to leave the ports in which they may be; but at the same time, directing them to be strictly on their guard.

I have, this day, had an opportunity of writing to Tripoli (which is the first that has occurred for more than three months) and I have improved it; and by the same route, to Tunis also, giving information of what has passed.

Painful as has been my situation in this affair, I feel conscious of having discharged my duty to my country in the best and indeed only manner in my power. While I could believe that the consequence of refusing to make this unjust payment, would fall upon me personally, I was ready to meet it; but when I was convinced that my country would suffer in the persons and property of its citizens I was obliged to yield.

My letters which accompany this, contain all I have to say on our affairs here, and I shall only add the assurances of high respect and sincere attachment with which

I have the honor to be,
Sir,
Your most faithful and
obedient servant,
TOBIAS LEAR.

The honorable James Madison, secretary of state of the United States.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING COPIES OF ALL ACTS, DECREES, ORDERS, AND PROCLAMATIONS, AFFECTING THE COMMERCIAL RIGHTS OF NEUTRAL NATIONS, ISSUED SINCE 1791.

To the house of representatives of the United States.

According to the request of the house of representatives, in their resolution of November 11, that copies should be laid before them of all acts, decrees, orders, and proclamations, affecting the commercial rights of neutral nations, issued, or enacted by Great Britain and France, or any other belligerent power, since the year 1791, and also of an act placing the commerce of America, in English ports, upon the footing of the most favored nation, I now transmit them a report of the secretary of state, of such of them as have been attainable in the department of state, and are supposed to have entered into the views of the house of representatives.

TH: JEFFERSON.

December 23d, 1808.

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DEPARTMENT OF STATE.

December 21st, 1808.

The secretary of state, in pursuance of the resolution of the house of representatives of the 11th of November, respectfully reports to the president of the United States, a copy of an act of the British parliament regulating

the trade between the United States and Great Britain, and also copies of such belligerent acts, decrees, orders, and proclamations, as affect neutral rights of commerce, and as have been attainable in the department of state; with the exception, however, of sundry acts, particularly blockades of doubtful import or inferior importance, which it was supposed would have inconveniently extended the delay and the size of the report.

JAMES MADISON.

LIST OF ORDERS, DECREES, &c.

BRITISH ORDERS IN COUNCIL, &c. &c.

1793. March 25. Extract from the Russian treaty.

1793. May 25. Extract from the Spanish treaty.

1793. July 14. Extract from the Prussian treaty.

1793. August 30. Extract from the treaty with the Emperor.

1793. June 8. Additional instructions with respect to corn, meal, &c. &c.

1793. November 6. Do. Detention of neutral vessels laden with goods the produce of French colonies, &c. &c.

1794. January 8. Revocation of the last order, and the enactment of other regulations.

1798. January 25. Revocation of the last order, and the enactment of new regulations.

1799. March 22. Blockade of all the ports of Holland.

1799. November 27. Suspension of the blockade of Holland.

1803. June 24. Direct trade between neutrals and the colonies of enemies not to be interrupted, unless upon the outward voyage contraband supplies shall have been furnished by the neutrals.

1804. April 12. Instructions concerning blockades, communicated by Mr. Merry.

Same date. Conversion of the siege of Curacoa into a blockade.

1804. August 9. Blockade of Fecamp, &c. &c.

1805. August 17. Direct trade with enemies colonies subjected to restrictions.

1806. April 8. Blockade of the Ems, Weser, &c. &c.

1806. May 16. Blockade from the Elbe to Brest.

1806. September 25. Discontinuance of the last blockade, in part.

1807. March 12. Interdiction of the trade from port to port, of France.

1807. June 26. Blockade of the Ems, &c. &c.

1807. October 16. Proclamation recalling seamen.

1807. November 11. Three orders in council.

1807. November 25. Six orders in council.

1808. January 8. Blockade of Carthagena, &c. &c.

1808. March 28. Act of Parliament.

1808. April 11. Orders encouraging our citizens to violate the embargo.

1808. April 14. Act of parliament to prohibit the exportation of cotton wool, &c. &c.

1808. April 14. Act of parliament making valid certain orders in council, &c. &c.

1808. May 4. Blockade of Copenhagen and the island of Zealand.

1808. June 23. Act of parliament regulating trade between the United States and Great Britain.

1808. October 14. Admiral Cochrane's blockade of the French leeward islands.

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LIST OF FRENCH DECREES.

9th May, 1793. Authorizes French vessels to arrest and bring into the ports of the republic, vessels laden with provisions destined for an enemy port.

23d May, 1793. Exempts American vessels from the operation of the decree of the 9th.

28th May, 1793. Suspends the decree of 23d May.

1st July, 1793. The decree of 23d again enforced.

27th July, 1793. The decree of 23d May repealed, and that of 9th May enforced.

25th Brumaire, 3d year, 18th November, 1794. General regulations, the most important is, that merchandize belonging to the enemy is made liable to seizure in neutral vessels until the enemy shall exempt from seizure French merchandize similarly situated.

14th Nivose, 3d year; 3d January, 1795. Repeals the 5th article of the above, and exempts enemy goods from capture in neutral vessels.

14th Messidor, 4th year; 2d July, 1796. The French will treat neutral nations as they suffer themselves to be treated by the English.

17th Ventose, 5th year; 2d March, 1797. Enemy's property in neutral vessels liable to confiscation, makes necessary role d'equipages.

29th Nivose, 6th year; 18th January, 1798. The character of vessels to be determined by that of their cargoes.

28th Ventose, 7th year; 18th March, 1799. Explains the 4th article of the decree of 2d March, 1797.

8th Brumaire, 7th year: 29th October, 1799. Neutrals found on board enemy vessels liable to be treated as pirates.

24th Brumaire, 7th year; 14th November, 1799. Suspends the operation of the above decree of the 29th October.

23d Frimaire, 8th year; 13th December, 1800. Repeals the 1st article of the law of the 29th Nivose, 6th year, 18th January, 1798.

29th Frimaire, 8th year; 19th December, 1800. Enforces the regulations of 26th July, 1778.

21st November, 1806. Berlin decree.

17th December, 1807. Milan decree.

17th April, 1808. Bayonne decree.

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LIST OF DECREES OF THE FRENCH AGENTS IN THE WEST INDIES, SENT TO THE PRESIDENT, 22d DECEMBER, 1808.

1. 1st August, 1797. Making horses contraband.

2. 1st February, 1797. Authorizes the capture of neutral vessels bound to certain West India islands.

3. 27th November, 1797. Authorizes the capture of American

vessels going to or coming from English ports.

4. 5th February, 1805. Declares that all persons found on board vessels bound to or coming from any ports in Hispaniola, in the possession of the rebels, shall suffer death.

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SPANISH DECREES.

1. 15th February, 1800. Blockade of Gibraltar.

2. 18th February, 1807. In imitation of Berlin decree.

3. 3d January, 1808. In imitation of Milan decree.

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ORDERS, DECREES, &c.

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BRITISH ORDERS, BLOCKADES &c.

Extract from a convention between his Britannic majesty and the empress of Russia, signed at London, the 25th of March, 1793.

Art III. Their said majesties reciprocally engage to shut all their ports against French ships, not to permit the exportation, in any case, from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; and to take all other measures in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

Art. IV. Their majesties engage to unite all their efforts to prevent other powers, not implicated in this war, from giving on this occasion of common concern to every civilized state, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French, on the sea or in the ports of France.

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Extract from a treaty between his Britannic majesty and the king of Spain, signed at Aranjuez, the 25th May, 1793.

Art. 4. Their said majesties engage reciprocally to shut their ports against French vessels; not to permit that there shall in any case be exported from their ports for France either warlike or naval stores, or wheat or other grains, salted meat or other provisions; and to take every other measure in their power to distress the trade of France, and reduce her, by that means, to just conditions of peace.

Art. 5. Their said majesties also engage, the present war being generally interesting to every civilized state, to unite all their efforts, in order to prevent those powers, which do not take part in the said war, from affording, in consequence of their neutrality, any protection, direct, or indirect, on the seas or in the ports of France, to the commerce and property of the French.

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Extract from a convention between his Britannic majesty and the king of Prussia, signed at the camp before Mayence, the 14th July, 1793.

Art. III. The high contracting parties having already taken the resolution to shut all their ports against French ships, and not to permit the exportation, in any cases, from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions, they reciprocally engage to continue those measures, and promise to employ all other means which shall be in their power for injuring the commerce of France, and for bringing her, by such means to just conditions of peace.

Art. IV. Their majesties engage to unite all their efforts to prevent, on this occasion of common concern to every civilized state, other powers not implicated in the war, from giving in consequence of their neutrality, any protection whatever, directly or indirectly, to the commerce or property of the French, on the sea, or in the ports of France.

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Extract from a convention between the emperor of Austria and his Britannic majesty, signed at London the 30th August, 1793.

Art. II. Their said majesties reciprocally engage to shut their ports against French vessels, not to permit, in any instance, warlike or naval stores, corn, grain, salted meat, or other provisions, to be exported from their said ports for France, and to take all other means in their power to annoy the commerce of France, and thereby to reduce her to just conditions of peace.

Art. III. Their majesties engage to unite all their efforts to prevent other powers, who shall not take part in this war, from giving, on this occasion of common interest of every civilized state, any protection whatever, direct or indirect, in consequence of their neutrality, to the commerce or to the property of the French, at sea, or in the ports of France.

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GEORGE REX.

Additional instructions to the commanders of his majesty's ships of war and privateers that have or may have letters of marque against France. Given at our court at St. James, the eighth day of June, 1793, and in the thirty-third year of our reign.

1st. That it shall be lawful to stop and detain all vessels loaden wholly or in part with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France, and to send them to such ports as shall be most convenient, in order that such corn meal or flour, may be purchased on behalf of his majesty's government, and the ships be released after such purchase, and after a due allowance for freight, or that the masters of such ships, on giving due security, to be approved of by the court of admiralty, be permitted to proceed to dispose of their cargoes of corn, meal, or flour, in the ports of any country in amity with his majesty.

2d. That it shall be lawful for the commanders of his majesty's ships of war and privateers, that have, or may have letters of

marque against France, to seize all ships, whatever be their cargoes, that shall be found attempting to enter any blockaded port, and to send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall be prevented from entering on the first attempt, but on the second shall be sent in for condemnation likewise.

3d. That in case his majesty shall declare any port to be blockaded, the commanders of his majesty's ships of war and privateers that have or may have letters of marque against France, are hereby enjoined, if they meet with ships at sea, which appear from their papers to be destined to such blockaded port, but to have sailed from the ports of their respective countries before the declaration of the blockade shall have arrived there, to advertise them thereof, and to admonish them to go to other ports; but they are not to molest them afterwards, unless it shall appear that they have continued their course with intent to enter the blockaded port, in which case they shall be subject to capture and condemnation: as shall likewise all ships wheresoever found, that shall appear to have sailed from their ports, bound to any port, which his majesty shall have declared to be blockaded, after such declaration shall have been known in the country from which they sailed; and all ships which in the course of the voyage shall have received notice of the blockade in any manner, and yet shall have pursued their course with intent to enter the same.

G. R. [L. S.]

Additional instruction to the commanders of all our ships of war and privateers that have or may have letters of marque against France. Given at our court at St. James, the 6th day of November, 1793, and in the 34th year of our reign.

That they shall stop and detain all ships loaden with goods, the produce of any colony belonging to France, or carrying provisions or other supplies, for the use of any such colony, and shall bring the same with their cargoes to legal adjudication in our courts of admiralty.

By his majesty's command,

H. DUNDAS.

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G. R.

Instructions to the commanders of our ships of war and privateers that have or may have letters of marque against France. Given at our court at St. James, the 8th day of January, 1794.

Whereas by our former instruction to the commanders of our ships of war, and of privateers, dated the 6th day of November, 1793, we signified that they should stop and detain all ships loaden with goods, the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and should bring the same with their cargoes to legal adjudication. We are pleased to revoke the said instruc-

tion, and in lieu thereof we have thought fit to issue these our instructions to be duly observed by the commanders of all our ships of war and privateers, that have or may have letters of marque against France.

1. That they shall bring in for lawful adjudication, all vessels with their cargoes, that are loaden with goods the produce of the French West India islands, and coming directly from any port of the said islands to any port in Europe.

2. That they shall bring in for lawful adjudication, all ships with their cargoes that are loaden with goods the produce of the said islands, the property of which goods shall belong to subjects of France, to whatsoever ports the same may be bound.

3. That they shall seize all ships that shall be found attempting to enter any port of the said islands, that is, or shall be blockaded by the arms of his majesty or his allies; and shall send them in with their cargoes for adjudication, according to the terms of the second article of the former instructions, bearing date the 8th day of June, 1793.

4. That they shall seize all vessels, loaden wholly or in part, with naval or military stores, bound to any port of the said islands, and shall send them into some convenient port belonging to his majesty, in order that they together with their cargoes may be proceeded against, according to the rules of nations.

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G. R. [L. S.]

Instructions to the commanders of our ships of war and privateers, that have, or may have letters of marque against France, Spain, or the United Provinces. Given at our court of St. James, the 25th day of January 1798, in the thirty-eighth year of our reign.

Whereas by our former instructions to the commanders of our ships of war and privateers, dated 8th January, 1794, we signified that they should bring in for lawful adjudication all vessels, with their cargoes, that were loaden with goods, the produce of the French West India islands, and coming directly from any port of the said islands, to any port in Europe; and likewise all ships, with their cargoes, that were loaden with goods, the produce of the said islands, the property of which goods should belong to subjects of France, to whatsoever ports the same might be bound; and that they should seize all ships that should be found attempting to enter any port of the said islands, that was or should be blockaded by the arms of his majesty, or his allies, and should send them in, with their cargoes, for adjudication; and also all vessels loaden wholly, or in part, with naval or military sto es, bound to any port of the said islands, and should send them into some convenient port belonging to his majesty, in order that they, together with their cargoes, might be proceeded against according to the law of nations: and whereas, in consideration of the present state of the commerce of this country, as well as of that of neutral countries, it is expedient to revoke the said instructions, we are pleased hereby to revoke the same; and, in lieu thereof, we

have thought fit to issue these our instructions, to be observed from henceforth by the commanders of all our ships of war and privateers, that have or may have letters of marque against France, Spain, and the United Provinces.

1. That they shall bring in for lawful adjudication all vessels, with their cargoes, that are loaden with goods, the produce of any island or settlement belonging to France, Spain, or the United Provinces, and coming directly from any port of the said islands or settlements to any port in Europe, not being a port of this kingdom, nor a port of that country to which such ships, being neutral ships, shall belong.

2. That they shall bring in for lawful adjudication all ships with their cargoes, that are loaden with goods, the produce of the said islands or settlements, the property of which goods shall belong to subjects of France, Spain, or the United Provinces, to whatsoever ports the same may be bound.

3. That they shall seize all ships that shall be found attempting to enter any port of the said islands or settlements, that is or shall be blockaded by the arms of his majesty, and shall send them in, with their cargoes, for adjudication, according to the terms of the second article of the former instructions, bearing date the 8th day of June, 1793.

4. That they shall seize all vessels loaden, wholly or in part, with naval or military stores, bound to any port of the said islands or settlements, and shall send them into some convenient port belonging to his majesty, in order that they, together with their cargoes may be proceeded against according to the rules of the law of nations.

By his majesty's command,

PORTLAND.

—

[*Copy.*]

LORD GRENVILLE TO MR. KING.

Downing-street, March 22, 1799.

The undersigned, secretary of state of his Britannic majesty, has received his majesty's commands to acquaint Mr. King, minister plenipotentiary of the United States of America, that the king, judging it expedient to avail himself of the superiority of his naval forces for the defence of his dominions, has signified his commands to the lords commissioners of the admiralry, to cause the most rigorous blockade to be established at the entrance of all the ports of Holland, which will be maintained and enforced in the strictest manner, according to the usages of war, acknowledged and observed in similar cases.

Mr. King is therefore requested to apprize the American consuls and merchants residing in England, that the above mentioned ports of the United Provinces are, and must be considered as being in a state of blockade, and that from this time no neutral vessel can be suffered to enter them upon any consideration, or under any pretence whatsoever; and that all the measures authorized by the law of nations, and the respective treaties between his majesty, and the different neutral powers, will henceforth be adopted and executed,

with respect to vessels destined for the said ports, or such as shall attempt to enter them after this notice.

—

LORD GRENVILLE TO MR. KING.

The undersigned, secretary of state has received his majesty's command to inform Mr. King, that his majesty has judged it expedient to suspend, for the present the blockade of all the ports in the United provinces, which was established by his majesty's orders, and which was announced to Mr. King by the undersigned, in his note dated March 22d.

GRENVILLE.

Supposed to be November 27, 1799.

—

Additional instructions by the commissioners for executing the office of lord high admiral of the united kingdom of Great Britain and Ireland, &c.

The right honorable lord Pelham, one of his majesty's principal secretaries of state, having transmitted us, as additional instructions, under his majesty's signet and sign manuel, dated the 24th June, 1803, as follows:

To the commanders of his majesty's ships of war and privateers.

In consideration of the present state of commerce, we are pleased hereby to direct the commanders of our ships of war and privateers, not to seize any neutral vessel which shall be carrying on trade directly between the colonies of enemies, and the neutral country, to which the vessel belongs, and loaden with the property of inhabitants of such neutral country: provided, that such neutral vessels shall not be supplying, nor shall have on the outward voyage supplied the enemy with any articles contraband of war, and shall not be trading with any blockaded port.

By his majesty's command,

PELHAM.

We send you herewith a printed copy of the said additional instructions for your information and guidance, dated 13th July, 1808.

[Signed by the lords of the admiralty.]

To the judge of the vice admiralty court of the island of Ceylon.

—

[*Copy.*]

MR. MERRY TO MR. MADISON.

Washington, April 12th, 1804.

Sir—Mr. Thornton not having failed to transmit to his majesty's government an account of the representation which you were pleased to address to him, under the date of the 27th October, last year, respecting the blockade of the islands of Martinique and Guadaloupe, it is with great satisfaction, sir, that I have just received his majesty's commands signified to me by his principal secretary of state for foreign affairs, under date of the 6th January last, to communicate to you the instructions which have, in consequence of your representa-

tion, been sent to commodore Hood, and to the judges of the vice admiralty courts in the West Indies.

I have, accordingly, the honour to transmit to you, sir, enclosed, the copy of a letter from sir Evean Nepean, secretary to the board of admiralty, to Mr. Hammond, his majesty's under secretary of state for foreign affairs, specifying the nature of the instructions which have been given.

His majesty's government doubt not that the promptitude which has been manifested in redressing the grievance complained of by the government of the United States, will be considered by the latter as an additional evidence of his majesty's constant and sincere desire to remove any ground of misunderstanding that could have a tendency to interrupt the harmony which so happily subsists between this government and that of the United States.

I have the honor to be,

With high respect and consideration

Your most obedient humble servant,

ANTH. MERRY.

—

Admiralty Office,
5th January, 1804.

Sir.—Having communicated to the lords of the admiralty lord Hawkesbury's letters of the 23d ultimo, inclosing the copy of a dispatch which his lordship had received from Mr. Thornton, his majesty's charge d'affairs in America, on the subject of the blockade of the islands of Martinique and Guadaloupe, together with the report of the advocate general.

Thereupon, I have their lordship's commands to acquaint you for his lordship's information, that they have sent orders to commodore Hood, not to consider any blockade of those islands as existing, unless in respect of particular ports which may be actually invested, and then not to capture vessels bound to such ports, unless they shall previously have been warned not to enter them, and that they have also sent the necessary directions on the subject to the judges of the vice admiralty courts in the West Indies and America.

I am, &c.

EVEAN NEPEAN.

George Hammond, esq.

—

MR. MERRY TO MR. MADISON.

Washington, April 12, 1804.

Sir—I have the honor to acquaint you that I have just received a letter from rear admiral Sir John Duckworth, commander in chief of his majesty's squadron at Jamaica, dated the second of last month, in which he desires me to communicate to the government of the United States, that he has found it expedient for his majesty's service, to convert the siege, which he lately attempted, of Curracoa, into a blockade of that island.

I cannot doubt, sir, that this blockade will be conducted conformably to the instructions which, as I have had the honor to acquaint you in another letter of this date, have been recently sent on this subject to the com-

mander in chief of his majesty's forces, and to the judges of the vice admiralty courts, in the West Indies, should the smallness of the island of Curracoa still render necessary any distinction of the investment being confined to particular ports.

I have the honor to be, &c.

ANTHONY MERRY.

—

Circular from lord Harrowby to the ministers of neutral nations residing in London, communicated to Col. Monroe.

Downing-Street, August 9, 1804.

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Monroe, that the king has judged it expedient (for the protection of his subjects and the annoyance of his enemies) to establish the most rigorous blockade at the entrances of the ports of Fecamp, St. Vallery-au-Caux, Dieppe, Treport, the Somme, Etaples, Boulogne, Calais, Gravelines, Dunkirk, Newport, and Ostend, and to maintain and enforce the same in the strictest manner, according to the usages of war acknowledged in similar cases. Mr. Monroe is therefore requested to apprize the American consuls and merchants residing in England, that the entrances of the above mentioned ports are, and must be considered as being in a state of blockade; and that from this time all the measures authorised by the law of nations and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Monroe, &c. &c.

HARROWBY.

—

GEORGE R.

Instruction to our courts of admiralty, and to the commanders of our ships of war and privateers. Given at our court at St. James's, the 17th day of August, 1805, *in the 45th year of our reign.*

WE are pleased hereby to direct the commanders of our ships of war and privateers, not to seize any neutral vessel, which shall be carrying on trade directly from the colonies of the enemy to the ports of this kingdom, and laden solely with the property of inhabitants of the neutral country to which the ship belongs; provided such neutral ship has already cleared out, or shall clear out from such colony, prior to the 1st day of November next, and shall not have supplied the enemy with any articles contraband of war on the outward voyage, and shall not have entered or be coming from any blockaded port. And in case any neutral vessel, trading as aforesaid, hath been or shall be detained or brought before any of our courts of admiralty, it is our will and pleasure, that such ships, together with their cargoes, be forthwith liberated.

By his majesty's command,

HAWKSBURY.

tion, been sent to commodore Hood, and to the judges of the vice admiralty courts in the West Indies.

I have, accordingly, the honour to transmit to you, sir, enclosed, the copy of a letter from sir Evean Nepean, secretary to the board of admiralty, to Mr. Hammond, his majesty's under secretary of state for foreign affairs, specifying the nature of the instructions which have been given.

His majesty's government doubt not that the promptitude which has been manifested in redressing the grievance complained of by the government of the United States, will be considered by the latter as an additional evidence of his majesty's constant and sincere desire to remove any ground of misunderstanding that could have a tendency to interrupt the harmony which so happily subsists between this government and that of the United States.

I have the honor to be,

With high respect and consideration

Your most obedient humble servant,

ANTH. MERRY.

—

Admiralty Office,

5th January, 1804.

Sir.—Having communicated to the lords of the admiralty lord Hawkesbury's letters of the 23d ultimo, inclosing the copy of a dispatch which his lordship had received from Mr. Thornton, his majesty's charge d'affairs in America, on the subject of the blockade of the islands of Martinique and Guadaloupe, together with the report of the advocate general.

Thereupon, I have their lordship's commands to acquaint you for his lordship's information, that they have sent orders to commodore Hood, not to consider any blockade of those islands as existing, unless in respect of particular ports which may be actually invested, and then not to capture vessels bound to such ports, unless they shall previously have been warned not to enter them, and that they have also sent the necessary directions on the subject to the judges of the vice admiralty courts in the West Indies and America.

I am, &c.

EVEAN NEPEAN.

George Hammond, esq.

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MR. MERRY TO MR. MADISON.

Washington, April 12, 1804.

Sir—I have the honor to acquaint you that I have just received a letter from rear admiral Sir John Duckworth, commander in chief of his majesty's squadron at Jamaica, dated the second of last month, in which he desires me to communicate to the government of the United States, that he has found it expedient for his majesty's service, to convert the siege, which he lately attempted, of Curracoa, into a blockade of that island.

I cannot doubt, sir, that this blockade will be conducted conformably to the instructions which, as I have had the honor to acquaint you in another letter of this date, have been recently sent on this subject to the com-

mander in chief of his majesty's forces, and to the judges of the vice admiralty courts, in the West Indies, should the smallness of the island of Curracoa still render necessary any distinction of the investment being confined to particular ports.

I have the honor to be, &c.

ANTHONY MERRY.

—

Circular from lord Harrowby to the ministers of neutral nations residing in London, communicated to Col. Monroe.

Downing-Street, August 9, 1804.

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Monroe, that the king has judged it expedient (for the protection of his subjects and the annoyance of his enemies) to establish the most rigorous blockade at the entrances of the ports of Fecamp, St. Vallery-au-Caux, Dieppe, Treport, the Somme, Etaples, Boulogne, Calais, Gravelines, Dunkirk, Newport, and Ostend, and to maintain and enforce the same in the strictest manner, according to the usages of war acknowledged in similar cases. Mr. Monroe is therefore requested to apprize the American consuls and merchants residing in England, that the entrances of the above mentioned ports are, and must be considered as being in a state of blockade; and that from this time all the measures authorised by the law of nations and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Monroe, &c. &c.

HARROWBY.

—

GEORGE R.

Instruction to our courts of admiralty, and to the commanders of our ships of war and privateers. Given at our court at St. James's, the 17th day of August, 1805, *in the 45th year of our reign.*

WE are pleased hereby to direct the commanders of our ships of war and privateers, not to seize any neutral vessel, which shall be carrying on trade directly from the colonies of the enemy to the ports of this kingdom, and laden solely with the property of inhabitants of the neutral country to which the ship belongs; provided such neutral ship has already cleared out, or shall clear out from such colony, prior to the 1st day of November next, and shall not have supplied the enemy with any articles contraband of war on the outward voyage, and shall not have entered or be coming from any blockaded port. And in case any neutral vessel, trading as aforesaid, hath been or shall be detained or brought before any of our courts of admiralty, it is our will and pleasure, that such ships, together with their cargoes, be forthwith liberated.

By his majesty's command,

HAWKSBURY.

MR. FOX TO MR. MONROE.

Downing Street, April 8, 1806.

THE undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Monroe, that in consequence of his majesty, the king of Prussia, having taken possession of various parts of the electorate of Hanover, and other dominions belonging to his majesty, in a forcible and hostile manner, and having also notified, that all British ships shall be excluded from the ports of the Prussian dominions, and from certain other ports in the north of Europe, and not suffered to enter or trade therewith, in violation of the just rights and interests of his majesty, and his dominions, and contrary to the established law and practice of nations in amity with each other; his majesty has judged it expedient to establish the most rigorous blockade at the entrances of the Ems, the Weser, the Elbe, and the Trave, and to maintain and enforce the same in the strictest manner, according to the usages of war, acknowledged and allowed in similar cases.

Mr. Monroe is therefore requested to apprise the American consuls and merchants residing in England, that the entrances of the above mentioned rivers are, and must be considered as being in a state of blockade; and that from this time all the measures authorized by the law of nations, and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said blockades after this notice.

The undersigned requests Mr. Monroe to accept the assurances of his high consideration.

C. J. FOX.

—

MR. FOX TO MR. MONROE.

Downing Street, May 16, 1806.

THE undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Monroe, that the king, taking into consideration the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of his subjects, has thought fit to direct that the necessary measures should be taken for the blockade of the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive; and the said coast, rivers and ports are, and must be considered as blockaded; but that his majesty is pleased to declare, that such blockade shall not extend to prevent neutral ships and vessels, laden with goods not being the property of his majesty's enemies, and not being contraband of war, from approaching the said coasts, and entering into and sailing from the said rivers and ports, (save and except the coast, rivers, and ports from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as so continued) provided the said ships and vessels, so approaching and entering (except as aforesaid) shall not have been laden at any port belonging to or in the possession of any of his majesty's

enemies, and that the said ships and vessels, so sailing from the said rivers and ports (except as aforesaid) shall not be destined to any port belonging to or in the possession of any of his majesty's enemies, nor have previously broken the blockade.

Mr. Monroe is, therefore, requested to apprize the American consuls and merchants residing in England, that the coast, rivers and ports above mentioned, must be considered as being in a state of blockade; and that from this time all the measures authorized by the law of nations, and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Monroe, &c. &c.

C. J. FOX.

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LORD HOWICK TO MR. MONROE.

Downing Street,
September 25, 1806.

THE undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Monroe, that the king having been pleased, on the 16th of May last, to cause it to be signified, that he had directed the necessary measures to be taken, for the blockade of the coast, rivers and ports from the river Elbe, to the port of Brest, both inclusive; his majesty is now pleased to declare, that so much of such blockade as extended from the river Elbe to the river Ems, both inclusive, is for the present discontinued, and that from the date hereof, the navigation of the coast, rivers and ports, from the river Elbe to the river Ems, both inclusive, is as free as if such blockade had not taken place.

The undersigned requests Mr. Monroe to accept the assurances, &c. &c.

HOWICK.

—

At a court at the queen's palace, the 7th of January, 1807, *present, the king's most excellent majesty, in council.*

Whereas the French government has issued certain orders, which, in violation of the usages of war, purport to prohibit the commerce of all neutral nations with his majesty's dominions, and also to prevent such nations from trading with any other country in any articles, the growth, produce or manufacture of his majesty's dominions; and whereas the said government has also taken upon itself to declare all his majesty's dominions to be in a state of blockade, at a time when the fleets of France and her allies are themselves confined within their own ports by the superior valor and disclipine of the British navy; and whereas such attempts, on the part of the enemy, would give to his majesty an unquestionable right of retaliation, and would warrant his majesty in enforcing the same prohibition of all commerce with France, which that power vainly hopes to effect against the commerce of his majesty's subjects; a prohibition which the superiority of his ma-

jesty's naval forces might enable him to support, by actually investing the ports and coasts of the enemy with numerous squadrons and cruizers, so as to make the entrance or approach thereto manifestly dangerous; and whereas his majesty, though unwilling to follow the example of his enemies, by proceeding to an extremity so distressing to all nations not engaged in the war, and carrying on their accustomed trade, yet feels himself bound by due regard to the just defence of the rights and interests of his people, not to suffer such measures to be taken by the enemy, without taking some steps on his part to restrain this violence, and to retort upon them the evils of their own injustice; his majesty is thereupon pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that no vessel shall be permitted to trade from one port to another, both which ports shall belong to or be in the possession of France or her allies, or shall be so far under their control, as that British vessels may not trade freely thereat; and the commanders of his majesty's ships of war and privateers shall be, and are hereby instructed to warn every neutral vessel coming from any such port, and destined to another such port, to discontinue her voyage, and not to proceed to any such port; and any vessel, after being so warned, or any vessel coming from any such port, after a reasonable time shall have been afforded for receiving information of this his majesty's order, which shall be found proceeding to another such port, shall be captured and brought in, and together with her cargo, shall be condemned as lawful prize, and his majestys principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty, and the courts of vice admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

—

Extract of a letter from the honorable David M. Erskine, envoy extraordinary, and minister plenipotentiary of his Britannic majesty, to the secretary of state of the United States, dated

Philadelphia, June 26, 1807.

I have the honor to inform you, that his majesty has judged it expedient to re-establish the most rigorous blockade at the entrances of the rivers Ems, Weser, and Elbe inclusive, in consequence of the present position of the enemy upon the continent, which enables him to command the navigation of those rivers.

—

From the London Gazette.

BY THE KING,

A proclamation for recalling and prohibiting British seamen from serving foreign princes and states.

GEORGE R.

Whereas it hath been represented to us, that grea. numbers of mariners and seafaring men, our natural born subjects, have been enticed to enter into the service of foreign states and are

now actually serving as well on board the ships of war belonging to the said foreign states, as on board the merchant vessels belonging to their subjects, notwithstanding our former proclamation recalling them, contrary to the duty and allegiance which our said subjects owe unto us, and to the great disservice of their native country; we have therefore thought it necessary at the present moment, when our kingdom is menaced and endangered, and when the maritime rights on which its power and greatness do mainly depend, are disputed and called in question, to publish, by and with the advice of our privy council, this our royal proclamation: we do hereby strictly charge and command all masters of ships, pilots, mariners, ship-wrights, and other seafaring men, being our natural born subjects, who may have been enticed into the pay or service of any foreign state, or do serve in any foreign ship or vessel, that forthwith they and every of them do (according to their bounden duty and allegiance, and in consideration that their native country hath need of all their services) withdraw themselves and depart from and quit such foreign service, and do return home to their native country; or to enter on board such of our ships of war as they may chance to fall in with, either on the high seas or in any rivers, waters, havens, roads, ports, or places whatsoever or wheresoever.

And for the better execution of the purposes of this our royal proclamation, we do authorize and command all captains, masters and others, commanding our ships and vessels of war, to stop and make stay of all and every such person and persons (being our natural born subjects) as shall endeavor to transport or enter themselves into the service of any foreign state, contrary to the intent and command of this our royal proclamation, and to seize upon, take and bring away all such persons as aforesaid, who shall be found to be employed or serving in any foreign merchant ship or vessel as aforesaid: but we do strictly enjoin all such our captains, masters, and others, that they do permit no man to go on board such ships and vessels belonging to states at amity with us, for the purpose of so seizing upon, taking, and bringing away such persons aforesaid, for whose discreet and orderly demeanor the said captains cannot answer; and that they do take especial care that no unnecessary violence be done or offered to the vessel, or to the remainder of the crew, from out of which such persons shall be taken.

And in case of their receiving information of any such person or persons being employed, or serving on board of any ship of war belonging to such foreign state at amity with us, we do authorize and command our captains, masters, and others commanding our ships of war, to require of the captain or commander of such foreign ship of war, that he do forthwith release and discharge such person or persons, being our natural born subject or subjects; and if such release and discharge shall be refused, then to transmit information of such refusal to the commander in chief of the squadron under whose orders such captain or commander shall be

then serving; which information the said commander in chief is hereby strictly directed and enjoined to transmit, with the least possible delay, to our minister resident residing at the seat of government of that state to which the said foreign ship of war shall belong, or to our lord high admiral, or lords commissioners of the admiralty for the time being, in order that we, being apprized of such proceeding, may forthwith direct the necessary steps to be taken for obtaining redress from the government to which such foreign ship of war shall belong, for the injury done to us by the unwarranted detention of our natural born subjects in the service of a foreign state.

And whereas it hath been further represented unto us, that divers mariners and seafaring men, our natural born subjects, have been induced to accept letters of naturalization, or certificates of citizenship, from foreign states; and have been taught to believe, that by such letters or certificates, they are discharged from that duty of allegiance which, as our natural born subjects, they owe to us: now, we do hereby warn all such mariners, seafaring men, and others, our natural born subjects, that no such letters of naturalization, or certificates of citizenship, do or can, in any manner, divest our natural born subjects of the allegiance, or in any degree alter the duty which they owe to us their lawful sovereign. But in consideration of the error into which such mariners and seafaring men as aforesoid may have been led, we do hereby publish and declare our free pardon to all such our subjects, who repenting of the delusion under which they have acted, shall immediately, upon knowledge of this our royal proclamation, withdraw themselves from foreign service, and return to their allegiance to us; and we do declare that all such our subjects, who shall continue in the service of foreign states, in disregard and contempt of this our royal proclamation, will not only incur our just displeasure, but are liable to be proceeded against for such contempt, and shall be proceeded against accordingly; and we do hereby declare, that if any such masters of ships, pilots, mariners, seamen, shipwrights, and other seafaring men (being our natural born subjects) shall be taken in any foreign service by the Algerines, or other Barbary powers, and carried into slavery, they shall not be reclaimed by us as subjects of Great Britain.

And we do hereby notify, that all such our subjects as aforesaid, who have voluntarily entered, or shall enter, or voluntarily continue to serve on board of any ships of war belonging to any foreign state at enmity with us, are and will be guilty of high treason; and we do, by this our royal proclamation, declare that they shall be punished with the utmost severity of the law.

Given at our court at the queen's palace, the sixteenth day of October, one thousand eight hundred and seven, and in the forty-seventh year of our reign.

GOD SAVE THE KING.

At the court of the queen's palace, the 11th of November, 1807, present, the king's most excellent majesty in council.

Whereas certain orders, establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were sometime since issued by the government of France, by which "the British islands were declared to be in a state of blockade," thereby subjecting to capture and condemnation all vessels with their cargoes, which should continue to trade with his majesty's dominions:

And whereas by the same orders "all trading in English merchandize is prohibited, and every article of merchandize belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize."

And whereas, the nations in alliance with France, and under her control, were required to give, and have given, and do give, effect to such orders:

And whereas his majesty's order of the 7th of January last, has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation, but, on the contrary, the same have been recently enforced with increased rigor.

And whereas his majesty, under these circumstances, finds himself compelled to take farther measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valor of his people have, under the blessing of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of his majesty's dominions, than it is to the protection of such states as still retain their independence, and to the general intercourse and happiness of mankind.

His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which, although not at war with his majesty, the British flag is excluded, and all ports or places in the colonies belonging to his majesty's enemies shall, from henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by his majesty's naval forces, in the most strict and rigorous manner. And it is hereby farther ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies, shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with all goods and merchandize on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured and condemned as prize to the captors.

But although his majesty would be fully justified, by the circumstances and considerations above recited, in establishing such system of restrictions with respect to all the countries and colonies of his enemies, without exception or qualification; yet his majesty, being nevertheless desirous not to

subject neutrals to any greater inconvenience than is absolutely inseperable from the carrying into effect his majesty's just determination to counteract the designs of his enemies, and to retort upon his enemies themselves, the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply; and even to leave open, for the present, such trade with his majesty's enemies as shall be carried on directly with the ports of his majesty's dominions, or of his allies, in the manner hereinafter mentioned.

His majesty is therefore pleased farther to order, and it is hereby ordered, that nothing herein contained shall extend to subject to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this order to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in his majesties colonies, under circumstances in which such trade from such free port is permitted, direct to some port or place in the colonies of his majesty's enemies, or from those colonies direct to the country to which such vessel belongs, or to some free port in his majesty's colonies, in such cases, and with such articles, as it may be lawful to import into such free port: nor to any vessel or the cargo of any vessel, belonging to any country not at war with his majesty, which shall have cleared out from some port or place in this kingdom, or from Gibraltar or Malta, under such regulations as his majesty may think fit to prescribe, or from any port belonging to his majesties allies, and shall be proceeding direct to the port specified in her clearance; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall be coming from any port or place in Europe, which is declared by this order to be subject to the restrictions incident to a state of blockade, destined to some port or place in Europe belonging to his majesty, and which shall be on her voyage direct thereto; but these exceptions are not to be understood as exempting from capture or confiscation any vessel or goods which shall be liable thereto in respect of having entered or departed from any port or place actually blockaded by his majesty's squadrons or ships of war, or for being enemies' property, or for any other cause than the contravention of this present order.

And the commanders of his majesties ships of war and privateers, and other vessels acting under his majesty's commission, shall be, and are hereby instructed to warn every vessel which shall have commenced her voyage prior to any notice of this order, and shall be destined to any port of France, or of her allies, or of any other country at war with his majesty, or to any port or place from which the British flag, as aforesaid, is excluded, or to any colony belonging to his majesty'

enemies, and which shall not have cleared out as is herein before allowed, to discontinue her voyage, and to proceed to some port or place in this kingdom, or to Gibraltar or Malta; and any vessel which, after having been so warned, or after a reasonable time shall have been afforded for the arrival of information of this his majesty's order at any port or place from which she sailed, or which, after having notice of this order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this order, shall be captured, and together with her cargo, condemned as lawful prize to the captors.

And whereas countries not engaged in the war have acquiesced in the orders of France, prohibiting all trade in any articles the produce or manufacture of his majesty's dominions, and the merchants of those countries have given countenance and effect to those prohibitions, by accepting from persons styling themselves commercial agents of the enemy, resident at neutral ports, certain documents termed "certificates of origin," being certificates obtained at the ports of shipment, declaring that the articles of the cargo are not of the produce or manufacture of his majesty's dominions, or to that effect.

And whereas this expedient has been directed by France, and submitted to by such merchants, as part of the new system of warfare directed against the trade of this kingdom, and as the most effectual instrument of accomplishing the same, and it is therefore essentially necessary to resist it.

His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that if any vessel after reasonable time shall have been afforded for receiving notice of this his majesty's order, at the port or place from which such vessel shall have cleared out, shall be found carrying any such certificate or document as aforesaid, or any document referring to or authenticating the same, such vessel shall be adjudged lawful prize to the captor, together with the goods laden therein, belonging to the person or persons by whom, or on whose behalf, any such document was put on board.

And the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty, and the courts of vice admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

At the court at the queen's palace, the 11th of November, 1807, present, the king's most excellent majesty in council.

Whereas articles of the growth and manufacture of foreign countries cannot, by law, be imported into this country, except in British ships, or in ships belonging to the countries of which such articles is the growth and manufacture, without an order in council specially authorizing the same:

His majesty taking into consideration the order of this day's date, respecting the trade to be carried on to and from the ports

of the enemy, and deeming it expedient that any vessel belonging to any country in alliance, or at amity with his majesty, may be permitted to import into this country, articles of the produce or manufacture of countries at war with his majesty.

His majesty, by and with the advice of his privy council, is therefore pleased to order, and it is hereby ordered, that all goods, wares or merchandise, specified and included in the schedule of an act passed in the forty-third year of his present majesty's reign, intituled "An act to repeal the duties of customs payable in Great Britain, and to grant other duties in lieu thereof," may be imported from any port or place belonging to any state not at amity with his majesty, subject to the payment of such duties, and liable to such drawbacks as are now established by law upon the importation of the said goods, wares, or merchandise, in ships navigated according to law; and with respect to such of the said goods, wares or merchandise, as are authorised to be warehoused under the provisions of an act, passed in the forty-third year of his present majesty's reign, intituled "An act for permitting certain goods imported into Great Britain, to be secured in warehouses without payment of duty," subject to all the regulations of the said last mentioned act; and with respect to all articles which are prohibited by law, from being imported into this country, it is ordered, that the same shall be reported for exportation to any country in amity or alliance with his majesty.

And his majesty is further pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all vessels which shall arrive at any port of the united kingdom, or at the port of Gibraltar or Malta, in consequence of having been warned pursuant to the aforesaid order, or in consequence of receiving information, in any other manner, of the said order, subsequent to their having taken on board any part of their cargoes, whether previous or subsequent to their sailing, shall be permitted to report their cargoes for exportation, and shall be allowed to proceed upon their voyages to their original ports of destination,) if not unlawful before the issuing of the said order,) or to any port at amity with his majesty, upon receiving a certificate from the collector or comptroller of the customs at the port at which they shall so enter, (which certificate the said collectors and comptrollers of the customs are hereby authorized and required to give,) setting forth that such vessels came into such port in consequence of being so warned, or of receiving such information as aforesaid; and that they were permitted to sail from such port under the regulations which his majesty has been pleased to establish in respect to such vessels. But in case any vessel so arriving shall prefer to import her cargo, then such vessel shall be allowed to enter and import the same, upon such terms and conditions as the said cargo might have been imported upon, according to law, in case the said vessel had sailed after having received notice of the said order, and in conformity thereto.

And it is further ordered, that all vessels which shall arrive at any port of the united kingdom, or at Gibraltar or Malta, in conformity and obedience to the said order, shall be allowed, in respect to all articles which may be on board the same, except sugar, coffee, wine, brandy, snuff, and tobacco, to clear out to any port whatever, to be specified in such clearance; and with respect to the last mentioned articles, to export the same to such ports, and under such conditions and regulations only, as his majesty, by any license to be granted for that purpose may direct.

And the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty, and courts of vice admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

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At the court at the queen's palace, the 11th of November, 1807, present the king's most excellent majesty in council.

Whereas the sale of ships by a belligerent to a neutral is considered by France to be illegal:

And whereas a great part of the shipping of France and her allies has been protected from capture, during the present hostilities, by transfers, or pretended transfers, to neutrals:

And whereas it is fully justifiable to adopt the same rule, in this respect, towards the enemy, which is applied by the enemy to this country:

His majesty is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that in future, the sale to a neutral of any vessel belonging to his majesty's enemies, shall not be deemed to be legal, nor in any manner to transfer the property, nor to alter the character of such vessel; and all vessels now belonging, or which shall hereafter belong to any enemy of his majesty, notwithstanding any sale, or pretended sale, to a neutral, after a reasonable time shall have elapsed for receiving information of this his majesty's order at the place where such sale, or pretended sale, was effected, shall be captured and brought in, and shall be adjudged as lawful prize to the captors.

And the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

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At the court at the queen's palace, the 25th of November, 1807, present, the king's most excellent majesty in council.

Whereas it has been represented that it would be expedient to fix certain periods at which it shall be deemed that a reasonable time shall have elapsed for receiving information, at different places, of his majesty's or-

der in council of the eleventh of November instant, respecting the trade with his majesty's enemies, and in their produce and manufactures; his majesty taking the same into consideration, and being desirous to obviate any difficulties that may arise in respect thereto, and also to allow ample time for the said order being known to all persons who may be affected thereby, is pleased, by and with the advice of his privy council, to order and declare, and it is hereby ordered and declared, that information of the said order of the eleventh of November instant, shall be taken and held to have been received in the places hereinafter mentioned, at the periods respectively assigned to them; namely,

Ports and places within the Baltic, December 21, 1807.

Other ports and places to the northward of Amsterdam, December 11, 1807.

From Amsterdam to Ushant, December 4, 1807.

From Ushant to cape Finisterre, December 8, 1807.

From cape Finisterre to Gibraltar, inclusive, December 13, 1807.

Madeira, December 13, 1807.

Ports and places within the streights of Gibraltar, to Sicily and Malta, and the west coast of Italy, inclusive, January 1, 1808.

All other ports and places in the Mediterranean beyond Sicily and Malta, January 20, 1808.

Ports and places beyond the Dardenelles, February 1, 1808.

Any part of the north and western coast of Africa, or the islands adjacent, except Madeira, January 11, 1808.

The United States, and British possessions in North America and the West Indies, January 20, 1808.

Cape of Good Hope, and east coast of South America, March 1, 1808.

India, May 1, 1808.

China, and the coast of South America, June 1, 1808.

And every vessel sailing on or after those days, from those places respectively, shall be deemed and taken to have received notice of the aforesaid order: and it is further ordered, that if any vessel shall sail within twenty days after the periods above assigned respectively, from any of the said places, in contravention of the said order of the eleventh of November instant, and shall be detained as prize on account thereof, or shall arrive at any port in this kingdom, destined to some port or place within the restrictions of the said order, and proof shall be made to the satisfaction of the court of admiralty in which such vessel shall be proceeded against, in case the same shall be brought in as prize, that the loading of the said vessel had commenced before the said periods, and before information of the said order had actually been received at the port of shipment, the said vessel, together with the goods so laden, shall be restored to the owner or owners thereof, and shall be permitted to proceed on her voyage in such manner as if such vessel had sailed before the day so specified as aforesaid: and it is further ordered, that no proof shall be admitted or be gone into, for the purpose of showing that information of the said order of the eleventh of November, instant, had not been received at the said places respectively, at the

several periods before assigned: and the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the court at the queen's palace, the 25th of November, 1807, present, the king's most excellent majesty in council.

Whereas his majesty, by his order in council, dated eleventh November instant, respecting the trade to be carried on with his majesty's enemies, was pleased to exempt from the restrictions of the said order, all vessels which shall have cleared out from any port or place in this kingdom, under such regulations as his majesty may think fit to prescribe, and shall be proceeding direct to the ports specified in the respective clearances; his majesty taking into consideration the expediency of making such regulations, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all vessels belonging to countries not at war with his majesty, shall be permitted to lade, in any port of the United kingdom, any goods being the produce or manufacture of his majesty's dominions, or East India goods, or prize goods, (all such goods having been lawfully imported) and to clear out with, and freely to convey the same to any port or place in any colony in the West Indies, or America, belonging to his majesty's enemies, such port or place not being in a state of actual blockade, subject to the payment of such duties as may at the time when any such vessels may be cleared out, be due by law on the exportation of any such goods, or in respect of the same being destined to the ports of the colonies belonging to his majesties enemies; and likewise to lade, clear out with, and convey as aforesaid, any articles of foreign produce or manufacture which shall have been lawfully imported into this kingdom, provided his majesty's license shall have been previously obtained for so conveying such foreign produce or manufactures:

And it is further ordered, that any vessel, belonging as aforesaid, shall be permitted to lade in any port of the united kingdom any goods, not being naval or military stores, which shall be of the growth, produce, or manufacture of this kingdom, or which shall have been lawfully imported (save and except foreign sugar, coffee, wine, brandy, snuff, and cotton) and to clear out with, and freely to convey the same to any port, to be specified in the clearance, not being in a state of actual blockade, although the same shall be under the restrictions of the said order; and likewise to lade, clear out, and convey foreign sugar, coffee, wine, brandy, snuff, and cotton, which shall have been lawfully imported, provided his majesty's license shall have been previously obtained for the exportation and conveyance thereof: And it is hereby further ordered, that no vessel shall be permitted

to clear out from any port or place in this kingdom to any port or place of any country subjected to the restrictions of the said order, with any goods which shall have been laden (after notice of the said order) on board the vessel which shall have imported the same into this kingdom, without having first duly entered and landed the same in some port or place in this kingdom; and that no vessel shall be permitted to clear out from any port or place in this kingdom to any port or place whatever, with any goods the produce or manufacture of any country subjected to the restrictions of the said order, which shall have been laden after notice as aforesaid on board the vessel importing the same, without having so duly entered and landed the same; or any goods whatever which shall have been laden after such notice, in the vessel importing the same, in any port or place of any country subjected to the restrictions of the said order, without having so duly entered, and landed the same in some port or place in this kingdom, except the cargo shall consist wholly of flour, meal, grain, or any article or articles the produce of the soil of some country which is not subjected to the restrictions of the said order, except cotton, and which shall have been imported in an unmanufactured state direct from such country into this kingdom, in a vessel belonging to the country from which such goods have been brought, and in which the same were grown and produced:

And it is further ordered, that any vessel belonging to any country not at war with his majesty, may clear out from Guernsey, Jersey, or Man, to any port or place under the restrictions of the said order, which shall be specified in the clearance, not being in a state of actual blockade, with such articles only, not being naval or military stores, as shall have been legally imported into such islands respectively, from any port or place in this kingdom direct: and with respect to all such articles as may have been imported into the said islands respectively, from any port or place under the restrictions of the said order, it shall not be permitted to any vessel to clear out with the same from any of the said islands, except to some port or place in this kingdom: and the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

—

At the court at the queen's palace, the 25th of November, 1807, present, the king's most excellent majesty in council.

Whereas his majesty, by his order in council dated the eleventh of November instant, respecting the trade to be carried on with his majesties enemies, was pleased to exempt from the restrictions of the said order all vessels belonging to any country not at war with his majesty, together

with their cargo, which shall be coming from any port or place in Europe, which is declared in the said order to be subject to the restrictions incident to a state of blockade, direct to some port or place in Europe, belonging to his majesty, and also all vessels which shall be cleared out from Gibraltar or Malta, under such regulations as his majesty may think fit to prescribe, and which shall be proceeding direct to the ports specified in their respective clearances:

And whereas it is expedient to encourage the trade from Gibraltar and Malta to countries under the restrictions of the said order, subject to regulations to be made in respect thereto: his majesty is therefore pleased to prescribe the following regulations in regard to such trade, accordingly, and by and with the advice of his privy council, to order, and it is hereby ordered, that all sorts of flour and meal, and all sorts of grain, tobacco, and any other article in an unmanufactured state, being the growth and produce of any country not being subjected by the said order to the restrictions incident to a state of blockade, except cotton, and naval and and military stores, which shall have been imported into Gibraltar or Malta direct from the country where the same were grown and produced, shall, without any license, be permitted to be cleared out to any port or place not being in a state of actual blockade, without the same being compelled to be landed: but neither the said article of cotton, however imported, nor any article which is not the growth, produce or manufacture of this kingdom, or which has not been imported in a British ship, or from this kingdom direct (except fish) and which shall have been laden at the port of original shipment after the period directed by an order of this date, to be taken as the time at which notice of the said order of the eleventh of November shall be considered as having been received at such port of shipment, shall be permitted to be exported from Gibraltar or Malta, except to some port or place in this kingdom; and all other articles of the growth, produce, and manufacture of this kingdom, or which shall have been imported into Gibraltar or Malta in a British ship, or for some port or place in this kingdom, together with the article of fish, however imported, may be exported to any ports or places in the Mediterranean or Portugal, under such license only as is hereinafter directed to be granted by the governor of Gibraltar and Malta respectively.

And it is hereby further ordered, that licenses be granted by the governors, lieutenant-governors, or other persons having the chief civil command at Gibraltar or at Malta, respectively, but in his majesty's name, to such person or persons as the said governors, lieutenant-governors, or persons having the chief civil command, shall think fit, allowing such person or persons to export from Gibraltar direct, to any port in the Mediterranean, or to any port of Portugal, or to any port of Spain without the Mediterranean, not further north than Cape Finisterre, and from Malta direct to any port, being within the Mediterranean, with any articles of the

produce or manufacture of his majesty's dominions, and any articles which shall have been imported into Gibraltar or Malta from this kingdom, to whomsoever such articles shall appear to belong (not being naval or military stores) in any vessel belonging to any country not at war with his majesty, or in any vessel not exceeding one hundred tons burthen, and being unarmed, belonging to the country to which such vessel shall be cleared out and going, and also to import in any such vessel or vessels as aforesaid, from any port within the Mediterranean, to Gibraltar or Malta; or from any port in Portugal or Spain as aforesaid, to Gibraltar, such port and such destination respectively to be specified in such license, any articles of merchandise whatsoever, and to whomsoever the same may appear to belong; such articles to be specified in the bill of lading of such vessel, subject however to such further regulations and restrictions, with respect to all or any of the said articles so to be imported, or exported, as may be inserted in the said licenses by the governors, lieutenant-governors, or other persons having the chief civil command at Gibraltar or Malta, for the time being, respectively, as to them shall, from time to time, seem fit and expedient:

And it is further ordered, that in every such license shall be inserted the names and residence of the person or persons to whom it shall be granted, the articles and their quantities permitted to be exported, the name and description of the vessel, and of the master thereof, the port to which the vessel shall be allowed to go, which shall be some port not under actual blockade; and that no license so to be granted shall continue in force for longer than two months from its date, nor for more than one voyage; nor any such license to be granted, or acknowledged to be valid, if granted to permit the clearance of any vessel to any port which shall be actually blockaded by any naval force of his majesty or of his allies:

And it is further ordered, that the commanders of his majesty's ships of war and privateers, and all others whom it may concern, shall suffer every such vessel, sailing conformably to the permission given by this order, or having any license as aforesaid, to pass and repass direct between Gibraltar,or Malta, and such port as shall be specified in the license, in such manner, and under such terms, regulations, and restrictions, as shall be expressed therein.

And it is further ordered, that in case any vessel, so sailing as aforesaid, for which any such license as aforesaid shall have been granted, and which shall be proceeding direct upon her said voyage, shall be detained and brought in for legal adjudication, such vessel, with her cargo, shall be forthwith released by the court of admiralty or vice admiralty in which proceedings shall be commenced, upon proof being made that the parties had duly conformed to the terms, regulations and restrictions of the said license; the proof of such conformity to lie upon the person or persons claiming the benefit of this order, or obtaining or using

such license, or claiming the benefit thereof:

And it is hereby further ordered, that no vessel belonging to any state on the coast of Barbary shall be prevented from sailing, with any articles of the growth or produce of such state, from any port or place in the Mediterranean or Portugal, such port or place not being actually blockaded by some naval force belonging to his majesty, or his allies, without being obliged to touch at Gibraltar or Malta:

And the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

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At the court at the queen's palace, the 25th of November, 1807, present, the king's most excellent majesty in council.

Whereas his majesty, by his order in council, of the eleventh of November instant, was pleased to order and declare, that all trade in articles which are of the produce or manufacture of the countries and colonies mentioned in the said order, shall be deemed and considered to be unlawful (except as is therein excepted); his majesty by and with the advice of his privy council, is pleased to order and declare, and it is hereby ordered and declared, that nothing in the said order contained shall extend to subject to capture or confiscation any articles of the produce or manufactures of the said countries and colonies laden on board British ships, which would not have been subject to capture and confiscation if such order had not been made: and the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

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At the court at the queen's palace, the 25th of November, 1807, present, the king's most excellent majesty in council.

His majesty, taking into consideration the circumstances under which Prussia and Lubeck have been compelled to shut their ports against British ships and goods, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all ships and goods belonging to Prussia which may have been seized subsequent to his majesty's order of the nineteenth of November, one thousand eight hundred and six, and are now detained in the ports of this kingdom, or elsewhere, and all ships and goods belonging to inhabitants of Lubeck which are so detained, shall be restored upon being pronounced by the high court of admiralty, or any court of vice admiralty, in which they have been

or may be proceeded against, to belong to subjects and inhabitants of Prussia or Lubeck, and not otherwise liable to confiscation; and that such ships and goods shall be permitted to proceed to any neutral port, or to the port to which they respectively belong: and it is further ordered, that the ships and goods belonging to Prussia or Lubeck shall not, until further orders, be liable to detention, provided such ships and goods shall be trading to or from any port of this kingdom, or between neutral port and neutral port, or from any port of his majesty's allies, and proceeding direct to the port specified in their respective clearances.

And the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

At the court at the queen's palace, the 25th of November, 1807, present the king's most excellent majesty in council.

His majesty taking into consideration the circumstances under which Portugal has been compelled to shut her ports against the ships and goods of his majesty's subjects, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all ships and goods belonging to Portugal which have been, and are now detained in the ports of this kingdom, or elsewhere, shall be restored, upon being pronounced, by the high court of admiralty, or by the court of vice admiralty, in which proceedings may have been, or shall be commenced, to belong to subjects and inhabitants of Portugal, and not otherwise liable to confiscation; and that the said ships and goods shall be permitted to proceed to any neutral port, or to Portugal: And it is further ordered, that the ships and goods belonging to Portugal shall not, until further orders, be liable to detention; provided such ships and goods shall be trading to or from any port of this kingdom, or to and from Gibraltar or Malta, and proceeding direct to the port specified in their clearance, or between neutral port and neutral port, or between Portugal and the ports of her own colonies, or from any port of his majesties allies, and proceeding direct to the ports specified in their respective clearances; provided, such ports shall not be at the time in a state of actual blockade: And it is further ordered, that the ships of Portugal shall not be considered as entitled, under any treaty between his majesty and Portugal, to protect any goods laden therein which may be otherwise subject to confiscation.

And the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

W. FAWKENER.

Foreign Office.
January 8th, 1808.

[CIRCULAR.]

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Pinkney, that his majesty has judged it expedient to establish the most rigorous blockade at the entrances of the ports of Carthagena, Cadiz, and St. Lucar, and of all the intermediate ports situated and lying between the said ports of Carthagena and St. Lucar. Mr. Pinkney is therefore requested to apprize the American consuls and merchants residing in England, that the entrances of all the ports above mentioned are, and must be considered as being in a state of blockade, and that from this time all the measures, authorized by the law of nations, and the respective treaties between his majesty and the different powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Pinkney to accept the assurances of his high consideration.

GEORGE CANNING.

William Pinkney, esq. &c. &c.

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ANNO QUADRAGESIMO OCTAVO. GEORGII III. REGIS.

CAP. XXVI.

An act for granting to his majesty, until the end of the next session of parliament, duties of customs on the goods, wares, and merchandize therein enumerated, in furtherance of the provisions of certain orders in council.

[28*th March*, 1808.]

Most gracious Sovereign,

Whereas measures which have been taken by powers at war with your majesty, prohibiting, in violation of the law of nations, all intercourse with this kingdom, and all trade in any articles of its growth or manufacture, have rendered it necessary for your majesty to issue orders in council to counteract the disadvantages which were thereby imposed upon the trade of your majesty's subjects, and to retaliate uponthe enemy the evils which he intended to inflict upon this kingdom: And whereas it is expedient and necessary in order effectually to accomplish the object of such orders, that duties of customs should be granted upon certain goods exported from Great Britain; we, your majesty's most dutiful and loyal subjects, the commons of the united kingdom in parliament assembled, do most humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, there shall be raised, levied, collected, and paid unto his majesty, his heirs and successors, upon all goods, wares and merchandise, enumerated or described in the tables (A) (B) and (C) annexed to this act, exported from Great Britain, the several duties of customs, as the same

are respectively described and set north in figures in the said tables.

II. And be it further enacted, that the duties granted and imposed by this act, and made payable according to the weight, tale, guage, measure or value of any goods, wares or merchandise charged with such duties, shall be charged and payable upon any greater or less weight, number, quantity, or value thereof, than the weight, number, quantity, or value particularly inserted, described and set forth in the tables hereunto annexed, marked (A) (B) and (C) in proportion to the actual weight, number, quantity, or value of such goods, wares or merchandise.

III. And be it further enacted, That where any goods, wares and merchandise, which are allowed to be, or which shall have been warehoused, or otherwise secucured, at the time of the importation thereof, without payment of the duties due thereon, shall be taken out or entered inwards for home consumption, and the duties of customs and excise then due thereon shall have been paid, and the same shall afterwards be entered for exportation, then and in every such case the duties of customs by this act imposed shall be paid on the exportation of the said goods, wares and merchandise, notwithstanding the payment of any drawbacks to which the exporter thereof may in such case under any law or laws then in force be entitled.

IV. And whereas by an order in council dated the twenty-fifth of November one thousand eight hundred and seven, it was ordered and declared, that information of a certain other order in council of the eleventh of November, one thousand eight hundred and seven, should be taken and held to have been received in the places here-in after mentioned, at the periods respectively asssigned to them; namely, ports, and pla within the Baltic, on the 21st of December, one thousand eight hundred and seven; other ports and places to the northward of Amsterdam, on the eleventh of December one thousand eight hundred and seven; from Amsterdam to Ushant, on the fourth of December one thousand eight hundred and seven; from Ushant to Cape Finisterre, on the eighth of December one thousand eight hundred and seven; from Cape Finisterre to Gibraltar inclusive, on the thirteenth of December one thousand eight hundred and seven; Madeira, the thirteenth of December one thousand eight hundred and seven; ports and places within the streights of Gibraltar to Sicily and Malta, and the west coasts of Italy inclusive, on the first of January one thousand eight hundred and eight; all other ports and places in the Mediterranean beyond Sicily and Malta, on the twentieth of January one thousand eight hundred and eight; ports and places beyond the Dardanelles, on the first of February one thousand eight hundred and eight; any part of the north and western coast of Africa or the islands adjacent, except Madeira, on the eleventh of January one thousand eight hundred and eight; the United states and British possessions in north America and the West Indies, on the twentieth of January one thousand eight hundred and eight; Cape of Good Hope, and

the east coast of South America, on the first of March one thousand eight hundred and eight; India, on the first of May one thousand eight hundred and eight; China and the coast of South America, on the first of June one thousand eight hundred and eight, be it therefore enacted, that nothing in this act contained shall extend to prevent any vessel which shall have sailed from any such port or place before the period above specified as aforesaid, and which shall have been brought into or shall have come into any port in Great Britain under any warning given in pursuance of any of the said orders in council, from proceeding on her voyage to any port or place whatever, without entering or landing any part of her cargo in Great Britain (except cotton wool or yarn, or Jesuits bark) and without the payment of any duty granted by this act upon any part of the cargo (except cotton wool, or yarn, or Jesuits bark) provided always, that if the port or place to which such vessel shall proceed, shall belong to a country in amity with his majesty, and from which the British flag is not excluded, such vessel shall in that case be permitted to proceed without being compelled to land any part of her cargo, or to pay any duty imposed by this act in respect of the same.

V. Provided always, and be it further enacted, That nothing in this act contained shall extend to charge with any of the duties granted by this act, any goods, wares or merchandise (except cotton wool or yarn, and Jesuits bark) imported into Great Britain in any vessel, under any license, bearing date before the eleventh day of November last, or in any vessel which shall have been cleared out from the port or place from which such goods, wares, or merchandise, were imported before the period in this act specified, as to such port or place as the period at which the said orders in council shall be taken and held to have been received, in any cases in which the said goods, wares or merchandise shall, upon their importation, have been or shall be warehoused for exportation only.

VI. Provided always, and be it further enacted, That nothing in this act contained shall extend to charge with any of the duties granted by this act, any goods, wares or merchandise on the exportation from Great Britain (except cotton wool or yarn, and Jesuits bark) which shall have been or shall be imported into Great Britain prior to the first day of June one thousand eight hundred and eight, from any free port in any of his majesty's plantations in the West Indies, or any other port or place, under any license from the governor of any of his majesty's plantations duly authorized for that purpose, bearing date prior to the twenty-first day of January last, in case such goods, wares or merchandise shall, on their importation into Great Britain, have been or shall be warehoused for exportation only.

VII. Provided also, and be it further enacted, That no goods, wares or merchandise described in the said tables (A.) and (B.) of the growth and produce of Saint Domingo, which shall have been or shall be imported into Great

Britain by license in return for goods exported to the said island, bearing date prior to the fifth of February one thousand eight hundred and eight, and which shall have been or shall be warehoused for exportation, shall be liable, on the exportation thereof, to any of the duties of customs granted by this act; and all such goods, wares, and merchandise, the growth and produce of Saint Domingo, which shall have been or shall be imported into Great Britain under any license bearing date subsequently to the said fifth day of February, shall, upon the exportation thereof from Great Britain, be chargeable with, and subject and liable to one half part only of the duties of customs granted by this act upon goods, wares and merchandise of the like description, upon their exportation from Great Britain.

VIII. And be it further enacted, that all goods, wares or merchandise, which have been, or may be condemned as prize, shall, on the exportation thereof from Great Britain, be charged with and subject and liable to the duties by this act imposed on the exportation of the like goods, wares or merchandise respectively, any law, custom, or usage to the contrary, notwithstanding: Provided always, That nothing in this act contained shall extend to charge with any of the duties granted by this act, any goods, wares or merchandise (except cotton wool, or yarn, or Jesuits bark) which shall have been or shall be brought into any port in Great Britain for adjudication before the passing of this act, whether the same shall have been or shall be subsequently restored or condemned as prize.

IX. And be it further enacted, That the duties of customs described and set forth in figures in the said tables hereunto annexed, marked (A) (B) and (C) on the several goods, wares and merchandise specified therein, shall be paid to the proper officer authorized to receive the duties of customs on goods, wares and merchandise imported into Great Britain, and may and shall respectively be managed, ascertained, raised, levied, collected, answered, paid, and recovered, except where any alteration is expressly made by this act, in such and the like manner, and by the same means, ways, or methods, as former duties of customs upon goods, wares, or merchandise, in general, and also by any such special means, ways, or methods respectively, as former duties of customs upon goods, wares, or merchandise of the same sorts or kinds were or might be managed, ascertained, raised, levied, collected, answered, paid, and recovered, and the goods, wares or merchandise whereon duties of customs are by this act charged, as the same are respectively inserted, described, and set forth in the said tables, upon exportation thereof from Great Britain, shall be, and the same are hereby made subject and liable to all and every the conditions, regulations, securities, rules, restrictions, seizures, and forfeitures, to which goods, wares, or merchandise in general, and also all and every the special conditions, rules, regulations, restrictions, seizures, sales, and forfeitures respectively, to which the like goods, wares or merchandise were subject and liable by any act or acts of parliament, in force on

and immediately before the passing of this act, respecting the revenue of customs, except where any alteration is expressly made by this act; and all pains, penalties, fines, and forfeitures, of whatever nature or kind the same may be, as well pains of death as others, for any offence whatever committed against, or in breach of any act or acts of parliament in force on or immediately before the passing of this act, made for securing the revenue of customs, or for the regulation or improvement thereof, and the several clauses, powers, provisos, and directions contained in any such act or acts, shall (unless where expressly altered by this act) extend to and be respectively applied, practised and put in execution, in respect of the several duties of customs hereby charged, in as full and ample a manner, to all intents and purposes whatever, as if all and every the said acts, clauses, provisos, powers, directions, fines, pains, penalties, or forfeitures, were particularly repeated and re-enacted in the body of this act, and made part thereof.

X. And be it further enacted, That in all cases where, by the said tables, the duties of customs by this act imposed upon the exportation of goods, wares and merchandise from Great Britain, are charged not according to the weight, tale, guage, or measure, but according to the value thereof, such value shall be considered as the same shall be at the port of exportation, without any deduction or abatement whatever; and such value shall be ascertained by the declaration of the exporter or proprietor of such goods, wares or merchandise, or his known agent, in the manner and form, and under all the rules, regulations and restrictions, and subject to the same forfeitures and penalties as are prescribed and directed for ascertaining and collecting the duties to be paid upon goods, wares and merchandise, according to the value thereof, by an act passed in the twenty-seventh year of the reign of his present majesty, intituled, "An act for repealing the several duties of customs and excise, and granting other duties in lieu thereof, and for applying the said duties, together with the other duties composing the public revenue, for permitting the importation of certain goods, wares and merchandise, the produce or manufacture of the European dominions of the French king, into this kingdom, and for applying certain unclaimed monies remaining in the exchequer for the payment of annuities upon lives to the reduction of the national debt;" and in case any goods, wares, or merchandise, chargeable with any such duty by this act, according to value, shall not be valued according to the true price or value thereof, and according to the true intent and meaning of this act, then it shall be lawful for the proper officer or officers of the customs, to cause the same to be detained; and the said goods, wares, and merchandise, shall be dealt with, and the proper officer of the customs shall proceed, with relation to the said goods, wares, and merchandise, so detained, in every respect in the manner prescribed in such case by the said recited act.

XI. And be it further enacted, That in case any goods, wares or merchandise, upon which duties of customs are hereby imposed,

shall be detained by any officer of the customs on account of the same not being valued according to the true and real value thereof, and according to the true intent and meaning of this act, it shall be lawful for the commissioners of his majesty's customs in England and Scotland respectively, for the time being, or any three or more of them respectively, upon proof being made to their satisfaction that no fraud was intended, to direct the entry to be amended, upon such terms and conditions as, under the circumstances of the case, shall appear to the said commissioners of the customs in England and Scotland respectively to be reasonable, and as they shall think fit to direct: Provided always, That if the importer, exporter, or proprietor of such goods, wares or merchandise, shall accept the terms or conditions prescribed by the said commissioners of the customs respectively, such importer, exporter, or proprietor, shall not have or be entitled to any recompence or damage on account of the detention of such goods, wares or merchandise, or have or maintain any action whatever for the same; any law, custom, or usage to the contrary notwithstanding.

XII. And be it further enacted, That such of the duties of customs by this act imposed, as shall arise in that part of Great Britain called England, shall be under the management of the commissioners of the customs in England for the time being; and such thereof as shall arise in that part of G. Britain called Scotland, shall be under the management of the commissioners of the customs in Scotland for the time being.

XIII. And be it further enacted, That in case the whole or any part of the cargo of any vessel, which shall arrive in any port of Great Britain, shall consist of any goods, wares, or merchandise whatever, of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England trading to the East Indies, such vessel shall forthwith proceed to the port of London, where all such goods, wares and merchandise shall be landed, lodged, and secured under his majesty's lock, in some of the warehouses belonging to the said united company, at the expence of the proprietors of such goods, wares and merchandise, and be there examined, and an account taken thereof by the proper officers of the customs, and of the excise in cases where that revenue is concerned, and such goods, wares and merchandise shall remain so secured until the exportation thereof; and before any such goods, wares, and merchandise, shall be taken out of such warehouse for the purpose of exportation, the several duties of customs, as the same are described and set forth in figures in the table hereunto annexed, marked (C) shall be first paid to the proper officer of the customs; and in those cases in the said table marked (C) where the duties to be paid on the exportation of any such goods, wares and merchandise shall not be charged according to the weight, tale, gauge or measure, but according to the value thereof, such value shall be ascertained by the declaration of the proprietor or his known agent, in the manner and form, and un-

der the rules, regulations, and restrictions, and subject to the same forfeitures and penalties as are prescribed and imposed for ascertaining and collecting duties to be paid according to the value thereof, by the said recited act passed in the twenty-seventh year of his present majesty; and in case any such goods, wares or merchandise, shall not be valued according to the true and real value thereof, then it shall be lawful for the proper officer or officers of the customs to cause the same to be detained, and the said goods, wares and merchandise, shall be dealt with, and the proper officers of the customs shall proceed in the manner prescribed in such case by the said recited act: provided always, that such goods, wares or merchandise, so detained, (cotton wool excepted) shall be sold only for the purpose of being exported from Great Britain, any law, custom, or usage to the contrary notwithstanding: provided also, that in case any part of the cargo of any such ship or vessel so consisting in part of East Indian goods, wares or merchandise, as aforesaid, shall consist of goods, wares or merchandise, not being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England, trading to the East Indies, such last mentioned goods, wares, and merchandise, shall be duly entered, either to be secured or lodged in warehouses, according to the rules, regulations, and restrictions, of an act passed in the forty-third year of his present majesty, intituled, an act for permitting certain goods imported into Great Britain to be secured in warehouses, without payment of duty; and of a certain other act, passed in the forty-fifth year of his present majesty, intituled, an act to authorize the lords commissioners of the treasury to permit certain articles to be warehoused in different ports in Great Britain, upon giving security for the payment of duties upon the articles therein mentioned; and of a certain other act, passed in the forty-sixth year of his said majesty, intituled, an act to extend the provisions of an act, made in the forty-third year of his present majesty, for permitting certain articles to be warehoused in Great Britain, to other articles not therein mentioned, and to alter the condition of the bond directed to be given by an act of the twenty-fourth year of his present majesty, by the masters and owners of vessels and boats licensed by the lords of the admiralty, provided such goods, wares, and merchandise, by law may be so lodged or secured, otherwise the full duties of customs and of excise (in cases where any such duties are payable on such goods, wares, and merchandise) due thereon, shall be paid to the proper officers of the customs and excise; and all such goods, wares, and merchandise, so brought into the port of London, shall on the exportation thereof, be charged with the duties due and payable by this act on any such goods, wares, and merchandise respectively, as the same are described and set forth in the tables hereunto annexed, marked (A.) and (B.) as the case may be.

XIV. Provided always, and be it further enacted, That if it shall appear to the satisfaction of the collector and comptroller of the

customs of any port in Great Britain, by the report of any vessel which shall arrive at such port with any cargo, part whereof shall consist of goods, wares, or merchandise of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England, trading to the East Indies, that such goods, wares, and merchandise do not exceed in value one fourth part of the whole value of the cargo of such vessel, then and in such case it shall be lawful for the owner, consignee, or captain of such vessel, after giving such security as shall be directed by the commissioners of the customs in England and Scotland respectively, or any three of them, for the due conveyance of such goods, wares and merchandise as aforesaid, to the port of London, there to be warehoused as aforesaid, and not before, to land the cargo of such vessel at the port of her arrival, except such goods, wares, and merchandise as aforesaid, and either to cause such goods, wares, and merchandise to be conveyed in the same ship to the port of London, or to cause the same to be transhipped in order to be conveyed to the said port, upon the said security, and under such regulations and restrictions for securing the conveying the same to the said port, as shall be directed by the commissioners of the customs in England and Scotland respectively.

XV. Provided always, and be it further enacted, That the proprietor or proprietors of any goods, wares, or merchandise, brought into Great Britain, may, if he or they shall be so disposed, instead of paying the full duties of customs and excise due and payable thereon, secure or lodge in warehouses approved by the commissioners of the customs of England or Scotland respectively, without payment of duty in the first instance, any goods, wares and merchandise, which, by virtue of any law in force at the time of passing this act, are allowed to be so secured and warehoused, under the conditions and regulations of the said recited acts passed in the forty-third, forty-fifth, and forty-sixth years of his present majesty respectively; and all such goods, wares, and merchandise, so warehoused, on which the full duties of customs and excise shall have been paid, shall on the exportation thereof, be subject and liable to and be charged with the duties of customs imposed by this act, as inserted and set forth in the tables hereunto annexed, as the case may be.

XVI. Provided always, and be it further enacted, That it shall be lawful for the commissioners of customs, or any three or more of them, upon the request of the owner, proprietor, or consignee of any goods, wares or merchandise warehoused, to destroy the same, in such manner as they shall respectively direct, without payment of duty, and upon payment only of any charges and expenses due thereon.

XVII. And be it further enacted, That the importers, proprietors, or consignees of any goods, wares, or merchandise, which shall have been lodged in warehouses, or otherwise secured according to the directions of

the said recited act passed in the forty-third year of his present majesty, or any other act or acts of parliament, by virtue and under the authority of which any such goods, wares, or merchandise shall have been so lodged or secured, shall, within fifteen calendar months, to be computed from the day on which such importers, proprietors, or consignees of such goods, wares, or merchandise, shall have made their first entry thereof, clear and take from and out of such warehouses or places respectively, all such goods, wares, and merchandise, either for the purpose of being exported according to the directions of this act, on payment of the duties hereby imposed, or to be used or consumed in Great Britain; provided always, that such goods, wares, and merchandise, may legally be taken out for that purpose, on payment of the full duties of customs and excise that are or may be due or payable thereon at the time the same are so taken out; and in case any such importers, proprietors, or consignees shall fail or neglect so to do, it shall be lawful for the commissioners of the customs in England or Scotland respectively, to cause all such goods, wares, or merchandise, to be publicly sold or exposed to sale: and after such sale, the produce thereof shall first be applied to or towards the payment of the freight, primage, and charges of warehouse room, and other charges that shall arise thereon, next to the duties of customs and excise, and the overplus (if any) shall be paid to the proprietor or other persons authorized to receive the same: provided always, that in case any goods, wares, or merchandise, so remaining and directed to be sold, shall be of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England trading to the East Indies, or any goods, wares, and merchandise, which shall be prohibited to be used or consumed in Great Britain, then and in such case all such goods, wares or merchandise, shall be sold only for the purpose of being exported, and not on any pretence whatever to be used or consumed in Great Britain: provided, that no such goods, wares, or merchandise, shall be so sold, unless a price can be obtained for the same, equal at least to the full amount of all duties of customs and excise, charged and chargeable thereon, together with the expenses; but if such price cannot be obtained, then and in such case all such goods, wares, or merchandise, shall be effectually destroyed by and in the presence of the proper officers of the customs, and also the officers of the excise, in case any duties of excise are payable thereon, who are hereby respectively authorized and required to destroy the same accordingly; and the proprietor or owner of such goods, wares, and merchandise, shall have no claim, either in law or equity, to the value of such goods, wares, or merchandise, or any part thereof, so destroyed as aforesaid; any law, custom or usage to the contrary notwithstanding: provided always, that all such goods, wares, and merchandise, may be re-exported to the country from which they were

brought, or to the country from which the vessel, in which such goods, wares or merchandise were imported, shall belong, or shall have belonged, without payment of the duties imposed by this act, and upon payment only of such warehouse or port duties as shall have become due thereon; provided, that the British flag shall not, at the time of such re-exportation, be excluded from such country respectively.

XVIII. Provided always, and be it further enacted, That nothing in this act contained shall extend or be construed to extend, to charge the duties imposed by this act on any goods, wares or merchandise whatever, that shall be exported from Great Britain to that part of the united kingdom called Ireland, or any goods, wares or merchandise, the growth, produce or manufacture of Ireland, having been imported from thence directly to Great Britain, on the exportation thereof to any country whatever.

XIX. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge the duties by this act imposed on the exportation of any flour or meal, or articles not being either in the whole or in part manufactured, being of the growth or produce of any state in Europe or America, in amity with his majesty, and imported in any ship belonging to such state, or in any British ship navigated according to law, directly from any such state (except coffee, sugar, pimento, cocoa nuts, hides, tallow, oil, and cotton wool or yarn, or Jesuits bark.)

XX. Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the duties imposed by this act any goods, wares or merchandise, of the growth, produce, or manufacture of any British colony, plantation or settlement in Africa or America, which shall have been imported directly from such colony, plantation or settlement respectively, and exported to any port or place whatever.

XXI. Provided also, and be it further enacted, That nothing in this act contained shall extend or be construed to extend, to charge with the duties imposed by this act, any goods, wares or merchandise that shall have been imported by the united company of merchants of England trading to the East Indies, or by any subjects of his majesty trading within the limits of the charter of the said company, with their license, upon the exportation of such goods, wares or merchandise, from Great Britain to any port or place whatever.

XXII. Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge the duty by this act imposed on any wine, spirits or tobacco, which shall be shipped for the use of his majesty's army or navy, but such wine, spirits, or tobacco shall be subject and liable to all and every the rules, regulations, and conditions, limitations, securities, penalties, and forfeitures, to which such articles so shipped would have been subject and liable, if this act had not been made.

XXIII. Provided also, and be it further enacted, That nothing

in this act contained shall extend, or be construed to extend, to charge with the duties by this act imposed any the goods, wares, or merchandise, exported from Great Britain to the Isle of Man, by virtue and under the authority of any license which the commissioners of his majesty's customs in England or Scotland, or any three or more of them respectively, are or may be by law authorized and empowered to grant.

XXIV. Provided always, and be it further enacted, That the duties by this act imposed on goods, wares and merchandise exported from Great Britain, shall not be charged or payable on any goods, wares or merchandise not manufactured either in whole or in part, nor upon any wine or any article of provision, (spirits excepted) exported to any British colony, plantation or settlement in Africa or America, or to any British settlement within the limits of the charter granted to the united company of merchants of England trading to the East Indies; any thing in this act to the contrary notwithstanding.

XXV. And be it further enacted, That no ship or vessel of the United States of America, which shall enter any port in Great Britain or Ireland, in consequence of her having been warned not to proceed to a blockaded port under his majesty's order in council of the 11th November, 1807, shall be liable to be charged with the duty of two shillings a ton of the burthen of any ship or vessel belonging to the inhabitants of the said United States, imposed by an act of the thirty-seventh year of his majesty's reign, which has been continued and revived by the several subsequent acts.

XXVI. Provided always, and be it further enacted, That nothing herein contained, shall extend to affect or take away any of the rights or privileges of the West India Dock company, of the London Dock company, or of the East India Dock company.

XXVII. And be it further enacted, That the duties granted and imposed by this act shall continue in force until the end of the next session of parliament, unless his majesty, by his order in council, shall think fit to suspend or reduce the same, or any part thereof.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for his majesty, at any time, by order in council, to suspend the operation of this act, as to any duties, or any proportion or part of any duties granted by this act, in respect of any country for the time being, in amity with his majesty, and to allow the exportation to any such country so in amity with his majesty as aforesaid, of any goods, wares and merchandise, made subject by this act to any duties on exportation, without the payment of such duties, upon such terms and conditions, and subject to such restrictions, as to his majesty may seem fit.

XXIX. Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to prevent his majesty from prohibiting the exportation of any articles, matters, or things, to any country or place from which the British flag is excluded, in any case in which it would have been lawful for his majesty to prohibit such

exportation, if this act had not passed.

XXX. Provided always, and be it further enacted, that the duties imposed by an act, passed in the forty-third year of his present majesty's reign, intituled, "An act for granting to his majesty during the present war, and until the ratification of a definitive treaty of peace, additional duties on the importation and exportation of certain goods, wares and merchandise, and on the tonnage of ships and vessels in Gt. Britain, on certain goods, wares and merchandise, therein enumerated and described, and which by another act passed in the forty-third year of his present majesty's reign, intituled, "An act for permitting certain goods imported into Great Britain to be secured in warehouses without payment of duty, were directed to be paid on all such goods, wares, and merchandise (sugar excepted) which should be exported from the warehouses or places in which such goods, wares, and merchandise had been lodged or secured under the directions of the said last recited act, shall not be due or payable on any such goods, wares, and merchandise so exported, on which other duties are charged, according to the table marked (A) hereunto annexed; but that the duties on any such goods, wares, and merchandise, as set forth in the said table, shall, during the continuance of such duties, be instead and in lieu of the duties charged and imposed thereon by the said two last recited acts passed in the forty-third year of his present majesty's reign.

XXXI. And be it further enacted, that all the monies arising from the duties of customs by this act imposed (the necessary charge of raising and accounting for the same excepted) shall from time to time be paid into the receipt of his majesty's exchequer at Westminster, distinctly and apart from all other branches of the public revenue; and that there shall be provided and kept in the office of the auditor of the said receipt of exchequer, a book or books in which all the monies arising from the said duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid and payable to his majesty, his heirs and successors, upon any account whatever; and the said monies so paid in as aforesaid, into the receipt of his majesty's exchequer, shall from time to time, as the same shall be paid into the said receipt, be issued and applied to such services as shall then have been voted by the commons of the united kingdom of Great Britain and Ireland in this present session of parliament, for the service of the year one thousand eight hundred and eight, or shall be voted by the said commons for the service of any subsequent year.

XXXII. And be it further enacted, that if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this act, or of any order in council referred to in this action, such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise,

and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be non-suited, or discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant had in other cases to recover costs by law.

XXXIII. And be it further enacted, That this act may be varied, altered, or repealed, by any act or acts to be made in this present session of parliament.

TABLES TO WHICH THIS ACT REFERS.

TABLE (A)

A TABLE of duties of customs payable on the exportation of certain foreign goods, wares and merchandize, therein enumerated or described, not being imported by the United Company of Merchants of England trading to the East Indies, (which on importation are allowed to be secured under the regulations of the 43 Geo. III. cap. 132, 45 Geo. III. cap. 87, and 46 Geo. III. cap. 137. without payment of the duties due thereon); and which shall be exported from Great Britain; except as is provided in the act to which this table is annexed.

		DUTY.		
		l.	*s.*	*d.*
Arabic gum. See gum.				
Barilla - -	the cwt.	0	10	0
Bark, viz. Jesuits bark or cortex peruvianus	the lb.	0	6	0
Bowsprits. See masts, in wood.				
Brandy. See spirits.				
Buffaloe hides. See hides.				
Bull hides. See hides.				
Cochineal - -	the lb.	0	7	0
Cocoa nuts - -	the cwt.	1	0	0
Coffee - -	the cwt.	1	8	0
Cortex Peruvianus. See bark.				
Cotton wool. See wool.				
Cotton yarn. See yarn.				
Cow hides. See hides.				
Currants - -	the cwt.	0	9	0
Denia raisins. See raisins.				

TABLE (A.)		DUTY.		
Faro raisins. See raisins.				
Figs - -	the cwt.	0	7	0
Fir timber. See timber, in wood.				
Geneva. See spirits.				
Ginger, - -	the cwt.	0	7	0
Gum, viz.				
Arabic - - -	the cwt.	0	10	0
Senega - -	the cwt.	0	10	0
Hemp, rough or undressed -	the cwt.	0	15	0
Hides, viz. buffaloe, bull, cow, or ox hides, not tanned, tawed, or in any way dressed,	the hide	0	3	0
Jalap - -	the lb.	0	0	6
Jesuits bark. See bark.				
Indigo - -	the lb.	0	2	0
Iron, in bars, the ton, containing 20 cwt.		3	0	0
Kelp the ton, containing 20 cwt.		4	0	0
Lexia raisins. See raisins.				
Lispari raisins. See raisins.				
Mahogany. See wood.				
Manna - -	the lb.	0	0	6
Masts. See wood.				
Molasses - -	the cwt.	0	5	0
Oak timber. See timber in wood.				
Oars. See wood.				
Oil, viz. ordinary oil of olives, the tun, containing 252 gallons - -		10	10	0
Sallad oil - -	the gallon	0	1	0
Ox hides. See hides.				
Pimento - -	the lb.	0	0	2
Pitch -	the last, containing 12 barrels, each barrel not exceeding 31½ gallons	0	4	4
Prize goods, viz. goods, wares and merchandise, taken and condemned as prize, not being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England trading to the East Indies, and not being particularly enumerated or charged with duty in this table, for every 100*l.* of the value thereof - -		20	0	0
Prohibited goods, viz. goods, wares, or merchandize, not being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England trading to the East Indies, - for every 100*l.* of the value thereof - -		20	0	0
Quicksilver - -	the lb.	0	1	0

TABLE (A.)		DUTY.		
		l.	*s.*	*d.*
Raisins, viz.				
Belvidere raisins -	the cwt.	0	4	6
Denia raisins -	the cwt.	0	4	0
Faro raisins -	the cwt.	0	4	6
Lexia raisins -	the cwt.	0	4	6
Lipari raisins -	the cwt.	0	4	6
Smyrna raisins -	the cwt.	0	5	0
of the sun -	the cwt.	0	9	4
not otherwise enumerated or described	the cwt.	0	4	0
Raw silk. See silk.				
Rhubarb - -	the lb.	0	2	0
Rice - -	the cwt.	0	0	2
Rosin - - -	the cwt.	0	0	9
Rum. See spirits.				
Saffron - -	the lb.	0	3	0
Sallad oil. See oil.				
Senna - -	the lb.	0	0	6
Silk, viz.				
Raw - -		0	2	6
Thrown - -		0	4	2
Waste - -		0	0	6
Smalts - -		0	0	6
Smyrna raisins. See raisins.				
Spirits, viz.				
Brandy, single -	the gallon	0	0	8
above proof -		0	1	4
Geneva, single -		0	0	8
above proof -		0	1	4
Rum, single -		0	0	8
above proof -		0	1	4
of any other kind, single -		0	0	8
above proof		0	1	4
Sugar, viz.				
Brown or Muscovado -	the cwt.	0	10	0
White or clayed -		0	14	0
Tallow - -		0	7	0
Tar, the last, containing 12 barrels, each barrel not exceeding 31½ gallons -		0	4	4
Timber. See wood.				
Tobacco - -	the lb.	0	0	1½
Turpentine common -	the cwt.	0	3	6
Waste silk. See silk.				
Wine of all sorts, the tun, containing 252 gallons		6	0	0
Wood, viz.				
Mahogany, the ton, containing 20 cwt.		1	0	0

TABLE (A.)	DUTY.		
	l.	*s.*	*d.*
Wood, masts, yards, and bowsprits, viz. six inches in diameter, and under eight inches, the piece,	0	5	0
eight inches in diameter, and under twelve inches, the piece,	0	10	0
twelve inches in diameter, or upwards, the load, containing 50 cubic feet,	1	7	0
Oars, - - - the 120	2	0	0
Timber, of all sorts, the load, (containing 50 cubic feet) - - -	1	7	0
Wool, viz.			
Cotton wool of all sorts, - the lb.	0	0	9
Yards. See masts, in wood.			
Yarn, viz. cotton yarn, - - -	0	2	0
All other goods, wares, and merchandize, having been, or which are allowed to be secured under the regulations of the 43 Geo. 3. cap. 132. 45 Geo. 3. cap. 3. 87. and 46 Geo. 3. cap. 137, for every 100*l.* of the produce and amount of the duties of customs, chargeable on the importation thereof, by 43 Geo. 3. cap. 68.	40	0	0

For the several exemptions from the duties charged in this table whether relating to goods exported, or to countries or places to which goods shall be exported, see the act to which this table is annexed.

TABLE (B.)

A TABLE of duties of customs payable on the exportation of certain foreign goods, wares and merchandize therein enumerated or described (not being allowed to be secured under the regulations of the 43 Geo. 3. cap. 132, 45 Geo. 3. cap. 87, and 46 Geo. 3. cap. 137, without payment of the duties due thereon) not having been imported by the united company of merchants of England trading to the East Indies, and which shall be exported from Great Britain; except as is provided in the act to which this table is annexed.

	DUTY.		
	l.	*s.*	*d.*
Anchors, for every 100*l.* of the value	40	0	0
Annatto, - - - - the cwt.	2	8	4
Argol, - - - - -	0	5	0
Ashes, viz. pot and pearl ashes, - -	0	10	0

TABLE (B.)		DUTY.		
		l.	*s.*	*d.*
Bark, viz. oak bark, - -	the cwt.	0	2	6
Barley. See corn.				
Beans. See corn.				
Beef, salted, - - -		0	15	0
Beer or bigg. See corn.				
Bread or biscuit, - - - -		0	4	0
Butter, - - - -		1	0	0
Cables, - - - -		0	18	0
Cassia lignea, - - -	the lb	0	6	0
Cheese, - - -	the cwt.	0	15	0
Cochineal dust, . - -	the lb.	0	3	6
Copper, viz. copper in bricks, rose copper, cast copper, and copper in plates, -	the cwt.	2	0	0
Cordage, - - -		0	18	0
Corn, viz. Wheat, - -	the quarter	0	10	3
Rye, - - -		0	5	0
Pease, - - -		0	5	0
Beans -	the quarter	0	5	0
Barley - -		0	5	0
Beer or bigg -		0	5	0
Oats - -		0	5	0
Wheatmeal and flour	the cwt.	0	5	0
Indian corn or maize	the quarter	0	5	0
Oatmeal, the boll, containing 140lbs. avoirdupoise, or 128lbs. Scotch troy		0	5	0
Fish, viz. Stock fish -	the 120	0	2	6
Not otherwise enumerated or described -	the cwt.	0	4	0
Flax, rough or undressed - -		0	15	0
Flax seed or linseed. See seed.				
Galls - -		1	0	0
Granilla - -	the lb.	0	5	0
Indian corn, or maize. See corn.				
Iron, viz. Pig iron, the ton, containing 20 cwt.		1	10	0
Isinglass - -	the cwt.	5	0	0
Lemons - -	the 1000	1	0	0
Linseed. See seed.				
Madder, viz. Mull -	the cwt.	0	1	3
Root -		0	12	0
Of any other sort -		0	10	0
Oak bark. See bark.				
Oakum - -	the cwt.	0	4	0
Oatmeal. See corn.				
Oats. See corn.				

TABLE (B.)		DUTY.		
		l.	*s.*	*d.*
Oils, viz. Seed oil of all sorts, the ton (containing 252 gallons) -		10	10	0
Oranges - - -	the 1000	1	0	0
Pease. See corn.				
Pig iron. See iron.				
Pork - -	the cwt.	0	17	6
Prize goods, viz. Goods, wares, and merchandise, taken and condemned as prize, not being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of merchants of England trading to the East Indies, and not being particularly enumerated or charged with duty in this table - for every £100 of the value thereof		20	0	0
Rye. See corn.				
Safflower - -	the cwt.	1	0	0
Salt - -	the bushel (containing 56lbs.)	0	2	0
Saltpetre - -	the cwt.	1	8	0
Seed, viz. Linseed or flax-seed	the bushel	0	1	6
Seed oil. See oil.				
Spanish wool. See wool.				
Tow - -	the cwt.	0	5	0
Valonia - -	the cwt.	0	5	0
Verdigris, viz. common	the lb.	0	0	6
crystalized -		0	1	0
Wheat. See corn.				
Wheatmeal and flour. See corn.				
Wool, viz. Spanish wool -	the cwt.	5	0	0
Yarn, viz. raw linen yarn made of flax		0	10	0

For the several exemptions from the duties charged in this table, whether relating to goods exported, or to countries or places to which goods shall be exported, see the act to which this table is annexed.

TABLE (C.)

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A TABLE of duties of customs payable on the exportation of goods, wares, and merchandise, being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England trading to the East Indies, not having been imported by the said company, and which shall be exported from Great Britain, except as is provided in the act to which this table is annexed.

	DUTY.		
	l.	*s.*	*d.*
Annotto - - the cwt.	4	0	0
Arabic gum. See gum.			
Arrack. See spirits.			
Bandanna handkerchiefs. See handkerchiefs.			
Barilla - - the cwt.	0	8	0
Bark, viz. jesuits bark, or Cortex Peruvianus the lb.	0	6	0
Brandy. See spirits.			
Buffalo hides See hides.			
Bull hides. See hides.			
Callicoes, viz. white, whether plain, flowered, or stitched, for every 100*l.* of the value	25	0	0
Printed, painted, stained, or dyed, for every 100*l.* of the value - -	25	0	0
Cassia lignea - the lb.	0	6	0
China ware, or earthen ware, for every 100*l.* of the value - -	25	0	0
Cinnamon - -	0	6	0
Cloves - -	0	3	0
Cochineal - -	0	7	0
Dust - -	0	3	6
Cocoa nuts, - - the cwt.	1	0	0
Coffee, - - -	1	8	0
Copper, viz. copper in bricks, rose copper, cast copper, and copper in plates, the cwt.	2	0	0
Cortex Peruvianus. See Jesuits bark in bark.			
Cotton manufactures, not otherwise enumerated or described, for every 100*l.* of the value	25	0	0
Cotton wool. See wool. - -			
Cotton yarn. See yarn. - -			

TABLE (C)	DUTY.		
	l.	*s.*	*d.*
Cow hides. See hides. - -			
Dimity, viz. plain white dimity, for every 100*l.* of the value	25	0	0
Earthen ware. See China ware. -			
Flax, rough or undressed, - the cwt.	0	10	0
Galls, - - the cwt.	1	5	0
Ginger - - the cwt.	0	7	0
Granilla, - - the lb.	0	5	0
Gum, viz.			
Arabic - - the cwt.	0	10	0
Senega, - - the cwt.	0	10	0
Handkerchiefs of silk, printed, painted, stained, or dyed, - - - each	0	1	6
Hemp, rough, or undressed, or any other vegetable substance of the nature and quality of undressed hemp, and applicable to the same purposes, the cwt.	0	15	0
Hides, viz. buffaloe, bull, cow, or ox-hides, not tanned, tawed, or in any way dressed, the hide,	0	3	0
Jesuits' bark. See bark. -			
Indigo - - the lb.	0	2	0
Mace - - the lb.	0	8	0
Madder root, - - the cwt.	0	15	0
Manna, - - the lb.	0	0	6
Molasses, - - the cwt.	0	5	0
Muslins, plain, for every 100*l.* of the value	25	0	0
Nanquin cloths, for every 100*l.* of the value	25	0	0
Nutmegs, - - the lb.	0	5	0
Oil, viz. Of Cinnamon, - the oz.	0	2	0
Of cloves, - -	0	2	0
Of mace, - -	0	5	0
Of nutmegs, - -	0	4	0
Ox hides. See hides.			
Pepper, - - the lb.	0	0	3
Prize goods, viz. Goods, wares, and merchandise, taken and condemned as prize, being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England, trading to the East Indies, and not particularly enumerated or charged with duty in this table, for every 100*l.* of the value thereof, - -	20	0	0
Quicksilver - - the lb.	0	1	0
Raw silk. See silk,			
Rhubarb - - the lb.	0	2	0
Rice - - the cwt	0	2	0

TABLE (C.)		DUTY.		
		l.	*s.*	*d.*
Rum. See Spirits.				
Safflower	the cwt.	1	7	0
Saffron	the lb.	0	3	0
Saltpetre	the cwt.	1	8	0
Sena	the lb.	0	0	6
Senega gum. See gum.				
Silk, viz.				
Handkerchiefs. See handkerchiefs.				
Raw Silk	the lb.	0	2	6
Waste Silk	the lb.	0	0	6
Spirits, viz.				
Arrack, single	the gallon	0	1	0
double	the gallon	0	2	0
Brandy, single	the gallon	0	0	8
double	the gallon	0	1	4
Rum, single	the gallon	0	0	8
double	the gallon	0	1	4
of any other kind, single	the gallon	0	0	8
double	the gallon	0	1	4
Sugar, viz.				
Brown or Muscovado	the cwt.	0	10	0
White or clayed	the cwt.	0	14	0
Tea, viz.				
Black	the lb.	0	1	0
Green	the lb.	0	2	0
Tobacco	the lb.	0	0	$1\frac{1}{2}$
Waste silk. See silk				
Wool, viz. cotton wool	the lb.	0	0	9
Yarn, viz. cotton yarn	the lb.	0	2	0
Goods, wares or merchandise, not particularly enumerated or described in this table, being prohibited to be worn, used, or consumed in Great Britain, for every 100*l.* of the value,		25	0	0
All goods, wares, or merchandise of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the united company of merchants of England trading to the East Indies, not particularly enumerated or described in this table, and not having been imported by the said company, for every 100*l.* of the produce and amount of those duties of customs imposed by the 43 Geo. 3. cap. 68. on such goods, wares, or merchandise respectively, when imported by the said company, which are due and payable when the same are taken out of the warehouse, for the purpose of being used or consumed in Great Britain.		40	0	0

For the several exemptions from the duties charged in this table, whether relating to goods exported, or to countries or places to which goods shall be exported, see the act to which this table is annexed.

GEORGE R.

Instructions to the commanders of our ships of war and privateers. Given at our court at Windsor, the 11th day of April, 1808, in the 48th year of our reign.

Our will and pleasure is, that you do not interrupt any neutral vessel laden with lumber and provisions, and going to any of our colonies, islands, or settlements, in the West Indies, or South America, to whomsoever the property may appear to belong, and notwithstanding such vessel may not have regular clearances and documents on board; and in case any vessel shall be met with, and being on her due course to the alledged port of destination, an endorsement shall be made on one or more of the principal papers of such vessels, specifying the destination alleged, and the place where the vessel was so visited; and in case any vessel so laden shall arrive and deliver her cargo at any of our colonies, islands, or settlements aforesaid, such vessel shall be permitted to receive her freight, and to depart, either in ballast, or with any goods that may be legally exported in such vessel, and to proceed to any unblockaded port, notwithstanding the present hostilities, or any future hostilities which may take place; and a passport for such vessel may be granted to the vessel by the governor, or other person, having the chief civil command of such colony, island, or settlement. G. R.

ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. XXXIV.

An act to prohibit, until the end of the next session of parliament, the exportation of cotton wool from Great Britain.

[14*th April*, 1808.]

Whereas it is expedient to prohibit, for a limited time, the exportation of cotton wool from Great Britain, except in the manner herein after mentioned; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lord's spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act no person or persons whatever, shall directly or indirectly export, carry, or convey, or cause or procure to be exported, carried, or conveyed, out of, or from, any port or place in Great Britain, or shall load or lay on board, or cause or procure to be laden or laid on board, in any ship or other vessel or boat, any cotton wool, in order to be carried, exported, or conveyed out of any such port or place, except to Ireland, and

also except as herein after is provided.

II. Provided always, and be it further enacted, That it shall be lawful for his majesty, by any license under his royal sign manual, to authorize any person to export from Great Britain for his or their own account; or for account of any subject or subjects of any state in amity with his majesty, any cotton wool, under such regulations, restrictions, and securities, as may be specified in the said license.

III. And be it further enacted, That all cotton wool which shall be so exported, carried, or conveyed in or laid on board any ship or other vessel or boat, in order to be exported, carried, or conveyed out of Great Britain, contrary to this act, shall be forfeited; and that every offender therein shall forfeit also the sum of forty shillings for every pound weight of such cotton wool which shall be so exported, carried, or conveyed, or so laden in or laid on board any ship or other vessel or boat, in order to be exported, carried, or conveyed out of Great Britain; and also the ship, vessel or boat, wherein the same shall be exported, or in or upon which the same shall be laden or laid in order to be exported, together with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited; and the same respectively may be seized by any officer or officers of the customs.

IV. Provided always, and be it further enacted, That nothing in this act contained shall extend to prevent any cotton wool being carried coastwise, upon any certificate which shall be directed to be given by the commissioners of the customs in that behalf.

V. And be it further enacted, That all penalties and forfeitures, created and incurred by this act, shall and may be sued for, prosecuted, recovered, and disposed of in such manner, and by such ways, means, and methods, as any penalties incurred on any goods, ships, or vessels, forfeited for any offence against the laws of customs, may now be legally sued for, prosecuted, recovered, and disposed of; and the officer or officers, concerned in seizures or prosecutions under this act, shall be entitled to and receive such share of the produce arising from the seizures, as they are now by law entitled to upon prosecution of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty, or compensation paid for any offence against this act, as they are now by any law or regulation entitled to upon prosecution for pecuniary penalties.

VI. And be it further enacted, That all personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever, which have been or shall hereafter be prosecuted or commenced against any person or persons, for having refused to receive any entry or entries for the exportation of any cotton wool, or to clear out any ship or vessel laden with cotton wool intended to be exported, before the passing of this act, are and shall be discharged and made void by virtue of this act; and that if any action or suit shall be prosecuted or commenced against any person or persons, for or by reason of

any such act, matter, or thing, he, she or they may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs in any action or suit, so to be prosecuted or commenced, shall become nonsuited, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against such plaintiff or plaintiffs, the defendant or defendants shall recover his, her, or their double costs; for which he, she, or they shall have the like remedy, as in cases where the costs by law are given to the defendant.

VII. And be it further enacted, That this act may be altered, amended, or repealed, by any act or acts to be made in this present session of parliament.

VIII. And be it further enacted, That this act shall continue and be in force until the end of the next session of parliament.

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ANNO QUADRAGESIMO OCTAVO.
GEORGII III. REGIS.
CAP. XXXVII.

An act for making valid, certain orders in council, and warrants of the commissioners of the treasury for the entry and warehousing of certain goods imported in neutral vessels, and for indemnifying all persons concerned therein; for the remitting of forfeitures in certain cases; and for enabling his majesty to allow, during the continuance of hostilities, and until two months after the commencement of the next session of parliament, the importation of goods from countries from which the British flag is excluded, in any vessels whatever. [14*th April*, 1808.]

Whereas several neutral vessels, bound to ports on the continent of Europe from which the British flag has been excluded, have arrived in the ports of the united kingdom, having been warned or brought into such ports in consequence of his majesty's orders in council for that purpose, and parts of the cargoes of such vessels have been admitted to entry for home consumption, or warehoused for exportation; and other parts of such cargoes, consisting of goods the growth, produce, or manufacture of countries within the limits of the charter granted to the united company of merchants of England, trading to the East Indies, not imported by the said company, have been warehoused for exportation only: and whereas, in consequence of the late events in Portugal, wine, and other commodities have been brought from the dominions of the crown of Portugal in vessels not owned and navigated according to law, and have been admitted to entry, or warehoused in the same manner, and subject to the same duties only, as if the same had been imported in British built vessels, owned and navigated according to law: and whereas such goods have been so entered and warehoused in obedience to orders of council, and warrants of the commissioners of his majesty's treasury, which it has been deemed expedient, under the circumstances, to issue for such purposes; which orders and warrants, and the proceedings thereupon, were not authorised by law; but it is expedient, under the cir-

cumstances, that the same should be authorized by act of parliament; and it is also expedient that the importation of goods from countries from which the British flag is excluded, shall be allowed, for a limited time, in any vessels: Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such importations, admissions to entry, warehousing for home consumption, or for exportation, and securing in warehouses goods of the produce, or manufacture of places within the limits of the charter granted to the East India company for exportation only; and also all importations and admissions to entry, and warehousing of goods and commodities from the dominions of the crown of Portugal, which have been made as aforesaid, before the passing of this act, whether under orders in council, or by warrants of the commissioners of the treasury, shall be deemed and taken good in law: and all persons concerned in advising, issuing, or carrying the same into execution, shall be and are hereby indemnified accordingly; any thing in any act of parliament to the contrary notwithstanding; and no vessels, goods or commodities, which have been admitted to entry, or imported, or warehoused, or secured under any such order or warrant, shall be subject to any forfeiture, or the owner thereof be subject to any penalty by reason thereof.

II. And be it further enacted, That it shall be lawful for the importers, proprietors, or consignees of any goods or commodities that may have been, or which shall be brought into any port of the united kingdom, in any ship or vessel which shall have come in, in consequence of any warning under the said orders in council, or in any ship or vessel which shall have sailed from any port or place within the respective limits enumerated in his majesty's orders in council of the 25th day of November, 1807, before the respective days specified in the said order, on or after which days the vessels sailing from such ports or places, are to be deemed to have received notice of the aforesaid order of the 11th day of November, 1807, duly to enter and land any such goods or commodities, either for the purpose of securing the same in warehouses for exportation or on payment of the full duties of customs and excise due thereon, as the case may warrant; and that no ship or vessel so arriving as aforesaid shall be liable to forfeiture, or the owners or proprietors thereof to any penalty by reason of such ship or vessel not being built, owned or navigated according to law, or not being in any other respect legally authorized to import into this kingdom the goods or commodities of which the cargo shall consist, nor shall any goods or commodities being part of the cargo of any such ship or vessel so brought in as aforesaid, be liable to forfeiture, or the owners thereof to any penalty by reason of any such goods or commodities being in packages not allowed by law, or for being in any other manner prohibited to be imported into this kingdom, any

law, custom, or usage to the contrary notwithstanding.

III. And be it further enacted, That it shall be lawful for his majesty by order in council or license, and in Ireland for the lord lieutenant or other chief governor or governors, and the privy council of Ireland by order in council or license, when and as often as the same shall be judged expedient, to permit during the continuance of hostilities and until two months after the commencement of the next session of parliament, any such goods, wares, or merchandize as shall be specified in such order in council or license, to be imported into any port of Great Britain or Ireland respectively, from any port or place from which the British flag is excluded, in any ship or vessel belonging to any country, whether in amity with his majesty or not; any law in force in the united kingdom, or in Great Britain or Ireland respectively, to the contrary in any wise notwithstanding.

IV. Provided always, That nothing herein contained shall extend, or be construed to extend, to exempt from seizure any goods or commodities which shall be unshipped, or attempted to be unshipped for the purpose of being illegally conveyed on shore, or before due entry shall have been made thereof.

V. And be it further enacted, That this act may be altered, amended or repealed, by an act or acts to be passed in this session of parliament.

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MR. CANNING TO MR. PINKNEY.

Foreign Office.

May 4th, 1808.

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's command to acquaint Mr. Pinkney, that his majesty has judged it expedient to establish the most rigorous blockade of the port of Copenhagen, and of all the other ports in the island of Zealand. Mr. Pinkney is therefore requested to apprize the American consuls and merchants residing in England, that the entrances of all the ports above mentioned are and must be considered as being in a state of blockade; and that from this time, all the measures authorized by the law of nations, and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after due notice.

The undersigned requests Mr. Pinkney to accept the assurances of his high consideration.

GEORGE CANNING.

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ANNO QUADRAGESIMO OCTAVO GEORGII III. REGIS.

CAP. LXXXV.

An act to regulate the trade between Great Britain and the United States of America, until the end of the next session of parliament. [23*d June*, 1808.]

Whereas, it is expedient to permit goods, wares, and merchandize being of the growth, produce, and manufacture of the United States of America, to be imported directly from thence into Great Britain, in British or American ships or vessels, sub-

ject to such duties only as are payable on the like commodities when imported from other foreign countries; may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the end of the present session of parliament, it shall and may be lawful for any person or persons, to import into Great Britain directly from any of the territories of the United States of America, in British built ships or vessels, owned, navigated, and registered according to law, or in ships or vessels built in the countries belonging to the United States of America, or any of them, or in ships or vessels taken by any of the ships or vessels of war, belonging to the government or any of the inhabitants of the said United States, having commissions or letters of marque and reprisal from the government of the said United States, and condemned as lawful prize in any court of admiralty of the said United States, of which condemnation proof shall be given to the commissioners of his majesty's customs, or any four or more of them, in England or Scotland respectively, and owned by the subjects of the said United States or any of them, and whereof the master and three fourths of the mariners at least are subjects of the said United States, any goods, wares, or merchandize, the growth, production and manufacture of the said United States, which are not prohibited by law to be imported from foreign countries, and to enter and land such goods, wares, and merchandize, upon payment of the duties and subject to the conditions and regulations hereinafter mentioned: any law, custom, or usage to the contrary in any wise notwithstanding.

II. And be it further enacted, that all such goods, wares, and merchandize imported into Great Britain, either in such ships or vessels, or in British built ships or vessels, owned navigated and registered according to law, shall and may be entered and landed upon payment of such duties of customs and excise, and no higher, except as herein after is provided, as are payable on goods, wares, and merchandize of the like denomination or description upon their importation into Great Britain from any other foreign country; and in cases where different duties are imposed upon goods, wares, and merchandize of the like denomination or description imported from different foreign countries, then upon payment of the lowest duties which by law are now required to be paid on the importation of any such goods, wares, or merchandize from any other foreign country: provided always, that where any goods, wares, or merchandize are imported from the said United States, in any ship or vessel not being British built, owned, navigated, and registered according to law, such goods, wares, and merchandize shall be subject and liable to the duties due and payable on similar articles when so imported from any other foreign country.

III. And be it further enacted,

that any tobacco, being the growth or production of any of the territories of the United States of America, may be imported into Great Britain in British or American ships or vessels, owned and navigated as herein before required, upon payment of the same duties of customs and excise as are now paid on tobacco imported by British subjects from any British colony or plantation in America; and that any snuff, being the production and manufacture of any of the said territories, may be imported into Great Britain in manner before mentioned, upon payment of such duties of customs and excise, as snuff, being the production or manufacture of Europe imported from Europe, is subject to, and may be warehoused and again exported, such tobacco and snuff to be subject respectively, nevertheless, to all and singular the regulations, restrictions, penalties and forfeitures relating to the importation and exportation thereof, or in any other respect relating thereto, of an act made and passed in the twenty-ninth year of the reign of his present majesty, intituled, "an act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof;" and of another act, passed in the thirtieth year of his present majesty's reign, intituled, "an act to explain and amend an act, made in the last session of parliament, intituled "an act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof;" or of any other act since made relating thereto: provided always that such tobacco shall be accompanied by a manifest, as by law required.

IV. And be it further enacted, That all goods, wares, and merchandise, so imported from the United States of America, shall, upon the exportation thereof from Great Britain, be entitled to the same drawbacks as are by law allowed upon the exportation of goods, wares, and merchandise, of the like denomination and description when exported from Great Britain; and that there shall be allowed and paid the same drawbacks and bounties on goods, wares and merchandise, exported from Great Britain to the territories of the said United States, or any of them, as are allowed by law upon the exportation of goods, wares, or merchandise, of the like denomination or description, to any of the islands, plantations or colonies, belonging to the crown of Great Britain in America: Provided always, that nothing in this act contained shall extend, or be construed to extend, to repeal or in any wise to alter the duties of package, scavage, balliage or portage, or any other duties payable to the mayor and commonalty and citizens of the city of London, or to the lord mayor of the said city for the time being, or to any other city or town corporate within the kingdom of Great Britain, or to repeal or in anywise to alter any special privilege or exemption to which any person or persons, bodies politic or corporate, is or are now entitled by law, but the same shall be continued as heretofore.

V. And be it further enacted, That the duties of customs and excise upon, for and in respect of

any goods, wares or merchandise, imported into Great Britain from the said United States, by virtue and under the authority of this act, shall and may be respectively managed, ascertained, raised, levied, collected, answered, paid, recovered, allowed, appropriated and applied, in such and the like manner, and in or by any or either of the means, ways or methods, by which the duties of customs and excise and drawbacks of duties of customs and excise upon goods, wares or merchandise, of the same sorts or kinds respectively, imported from, or exported to any other foreign country, were or might be managed, ascertained, raised, levied, collected, answered, paid, recovered, allowed, appropriated and applied, and the goods, wares or merchandise, so by this act respectively made liable to the payment of, or chargeable with duties of customs and excise, or so entitled to drawback of duties of customs and excise upon the importation thereof into, or exportation thereof from Great Britain, or any other account whatever, shall be and the same are hereby made subject and liable to all and every the conditions, regulations, rules, restrictions and forfeitures, to which goods, wares, or merchandise in general, and also all and every the special conditions, rules, restrictions, regulations and forfeitures respectively, to which the like goods, wares, or merchandise respectively, were subject and liable by any act or acts of parliament in force on and immediately before the passing of this act, respecting the revenues of customs and excise; and all and every pain, penalty, fine or forfeiture, of any nature or kind whatever, for any offence whatever committed against or in breach of any act or acts of parliament in force on and immediately before the passing of this act, made for securing the revenue of customs and excise, or for the regulation or improvement thereof, and the several clauses, powers, and directions therein contained, shall and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in execution for and in respect of the several duties of customs and excise, and drawbacks of duties of customs and excise hereby charged and allowed, in as full and ample manner, to all intents and purposes whatever, as if all and every the said acts, clauses, provisions, powers, directions, fines, pains, penalties or forfeitures were particularly repeated and re-enacted in the body of this act.

VI. Provided always, and be it further enacted, that it shall and may be lawful for his majesty by and with the advice of his privy council by any order in council or by any proclamation made for that purpose, to cause the provisions of this act to be suspended for such time as his majesty, his heirs and successors, may deem expedient and necessary, any thing in this act to the contrary notwithstanding.

VII. And be it further enacted, that this act shall continue in force to the end of the next session of parliament.

By the honorable sir Alexander Cochrane, K. B. rear admiral

of the red, and commander in chief of his majesty's ships and vessels employed and to be employ d at Barbadoes, the Leeward Islands, &c. &c.

Whereas an intimation has been received from the right honorable lord viscount Castlereagh, one of his majesty's principal secretaries of state, that the strictest naval blockade is to be established over the Leeward French Carribean islands. The several captains, commanders, and commanding officers under my orders, are hereby authorised and directed, to stop all neutral vessels destined for any of the ports of the said islands; and if they shall appear to be ignorant of the existence of the blockade, and have no enemy's property on board, the masters of such neutral vessels shall be apprised thereof, and warned not to proceed to such ports, and a notice written to that effect upon one or more of the principal ship papers.

But if a neutral vessel shall appear to have been so warned, or to be otherwise informed of the existence of the blockade, or to have sailed from her last clearing port after it may be reasonably supposed that this notification might have been made public there, and yet be found attempting, or intending to enter either of the ports of the said islands, such vessel shall be seized and sent into port for legal adjudication. And with respect to neutral vessels coming out of said ports having any colonial produce, goods or merchandise on board, appearing to have been laden after knowledge of the blockade, such vessel shall, in like manner, be seized and sent in for legal adjudication.

Given on board the Belleisle,
Carlisle bay,
Barbadoes, Oct. 14, 1808.

ALEXANDER COCHRANE.

By command of the rear admiral,

JOHN S. TRACY.

FRENCH DECREES, &c.

(TRANSLATION.)

Copy of the decree of the National Convention of the 9th of May, 1793, second year of the republic of France.

The national convention, after having heard the report of their marine committee, considering that the flag of neutral powers is not respected by the enemies of France; that two cargoes of flour arrived at Falmouth in Anglo-American vessels, and purchased before the war for the service of the marine of France, have been detained in England by the government, who would not pay for them, except at a price below that at which flour had been sold:

That a vessel from Papembourg, called the *Therisia*, commanded by captain Hendrick Kob, laden with divers effects belonging to Frenchmen, has been conducted to Dover the 2d of March last, by an English cutter:

That a privateer of the same nation has carried into the same port of Dover, the 18th of the same month, the Danish ship

Mercury, Christianlund, captain Freuchen, expedited from Dunkirk on the 17th, with a cargo of wheat for Bordeaux :

That the ship John, captain Shklely, laden with near six thousand kentals of American wheat, bound from Falmouth to St. Mala, has been taken by an English frigate, and conducted to Guernsey, where the agents of the government have simply promised to pay the value of the cargo, because it was not on account of the French :

That 101 French passengers of different professions, embarked at Cadiz by order of the Spanish minister, in a Geneoese ship called the *Providence*, captain Ambrose Briasco, bound to Bayonne, have been shamefully pillaged by the crew of an English privateer :

That the divers reports, which are successively made by the maritime cities of the republic, announce that these same acts of inhumanity and injustice are daily multiplied and repeated with impunity throughout the seas :

That, under such circumstances, all the rights of nations being violated, the French people are no longer permitted to fulfil, towards the neutral powers in general, the vows they have so often manifested, and which they will constantly make, for the full and entire liberty of commerce and navigation—decree as follows :

Art. 1. The French ships of war and privateers may arrest, and bring into the ports of the republic, the neutral vessels which shall be laden, wholly or in part, either with articles of provision belonging to neutral nations, and destined for an enemy's port, or with merchandises belonging to an enemy.

2. The merchandises belonging to an enemy shall be declared good prize, and confiscated to the profit of the captors : the articles of provisions belonging to neutral nations, and laden for an enemy's port, shall be paid for according to their value in the place to which they were destined.

3. In all cases the neutral vessels shall be released as soon as the unlading of the articles of provision arrested, or of the merchandise seised, shall have been effected. The freight thereof shall be paid at the rate which shall have been stipulated by the persons who shipped them. A just indemnification shall be allowed, in proportion to their detention, by the tribunals who are to have cognizance of the validity of the prizes.

4. These tribunals shall be bound to transmit, three days after their decision, a copy of the inventory of the said articles of provision or merchandise, to the minister of marine, and another to the minister for foreign affairs.

5. The present law, applicable to all the prizes which have been made since the declaration of war, shall cease to have effect, as soon as the enemy powers shall have declared free and not seizable, although destined for the ports of the republic, the articles of provision belonging to neutral nations, and the merchandises laden in neutral vessels, and belonging to the government or citizens of France.

(TRANSLATION.)

Decree of the National Convention of the 23d May, which declares that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May.

The national convention, after having heard the report of their committee of public safety, wishing to maintain the union established between the French republic and the United States of America, decree, That the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May, conformably to the 16th article of the treaty concluded on the 16th of February, 1778.

True copy.

LE BRUN.

Note. It appears that on the 28th May, the convention passed a decree which so far repealed that of the 23d May, as to place in a state of provisional sequestration the property seized under the decree of the 9th May.

No copy of the decree of the 28th May, is to be found in the department of state.

[TRANSLATION.]

Copy of the decree of the National Convention of the 1st July, 1793, 2d year of the French republic, which exempts from the dispositions of the decree of the 9th May, 1793, the vessels of the United States.

The convention, after having heard the report of the committee of public safety, wishing to maintain the union established between the French republic and the U. States of America, decrees, that the vessels of the United States are not comprised in the dispositions of the decree of the 9th May, conformably to the 16th article of the treaty concluded the 6th of February, 1778.

Certified conformable to the original.

DEFORGUE.

Note. It appears that on the 27th July, the convention again put in force the decree of the 9th May; but no copy of the act by which this was done is to be found in the department of state.

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Extract of the register of arrets of the committees of public safety, finance and supplies.

25th BRUMAIRE, 3d YEAR OF THE REPUBLIC.

November 18th, 1794.

The committee of public safety, commerce and supplies, order as follows:

Art. 1. The vessels of the U. States of America, and those of other neutral powers, shall be permitted to enter freely into the ports of the republic, and retire from them when they please: Nor shall it be permitted to any constituted authority to retard their departure, or to oblige the captains to sell their cargoes against their will.

2. When the captains or owners of neutral vessels are disposed to sell their cargoes to the public, they shall be paid for them according to the bargain which they make.

3. It is enjoined to all the

commandants of naval armaments, fleets, divisions, and squadrons of the republic, to respect, and to cause to be respected, upon their responsibility, in favor of the neutral and allied powers, the rights of nations, and the stipulations of treaties, conforming themselves strictly to the terms of the decree of the convention of the 27th of July, 1793.

4. In consequence they are expressly prohibited from turning these vessels from their course, taking from on board of them their captains, sailors or passengers, other than soldiers or sailors actually in the service of an enemy power; or of seizing the effects or merchandise which shall be found in them.

5. Are excepted from the prohibition contained in the preceding articles.

1st. Merchandises belonging to the enemies of the republic, until such enemy power shall have declared that the merchandises of the French shall be free on board neutral vessels.

2d. Such merchandises of the neutral powers also as are deemed contraband of war, and under which are comprised all arms, instruments and munitions of war, and every kind of merchandise and other effects destined for an enemy's port actually seized or blockaded.

[6, 7, 8 and 9, regulate the manner of proceeding where neutral vessels are brought in, upon a presumption of having enemy's goods on board.]

10. The commission of marine shall present without delay a statement of the individuals, born subjects of the power with whom the republic is at war, who were taken before the present day upon neutral vessels, that particular arretes may be taken in each case.

11. The indemnities which are due to the captains of neutral powers who were detained by an embargo at Bordeaux, shall be liquidated without delay by the commission of marine and colonies, conformable to an arrete of the committee of public safety of the 17th of Germinal; and this commission shall render an account in the course of ten days, of the actual state of these demands.

12. The commission of marine is specially charged to receive and adjust the accounts which shall be presented to it by an agent of the United States, for such supplies as the Americans have furnished to the administration of St. Domingo; and it shall take the necessary measures to procure to the parties interested the most prompt justice, and shall also present to the committees of public safety, of finance, commerce and supplies, the result of its operations in these respects.

13. The commission of foreign relations is instructed to deliver a copy of this arrete to the minister plenipotentiary of the United States of America, in answer to his memorial of the 9th of Fructidor (Sept. 3) last.

MERLIN, THURIOT, CAMBACERES, &c.

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Extract of the register of arrets of the committee of public safety, of the 14th Nivose, third

year of the republic, (3d January, 1795.)

The committee of public safety, considering that, by the twenty third article of the treaty of commerce between France and the United States of America, bearing date on the 6th of February, 1778, it is agreed:

1st. That the people of France and America may navigate reciprocally, in complete safety, with their vessels, and without exception as to the owners of the merchandise charged upon such vessels, or as to the ports from whence they come, and although the power for which they be destined be actually at war, or become afterwards the enemy of the one or the other contracting party: that they may equally navigate, in full safety, with their vessels and merchandise, and frequent the places, ports, and harbors of the enemies of both nations, or of either, and carry on trade, not only from the port of an enemy to that of a neutral power, but also from different ports of the same enemy: 2d. That free vessels shall make free goods, and that any thing shall be considered as free, which shall be found on board the vessels of either contracting nation, although it belong, in whole or in part, to the enemies of either the one or the other, contraband always excepted: 3d. That the same liberty shall be extended to those who are found on board free vessels, although they be the enemies of either the one or the other contracting nation; and, in consequence, that such persons shall not be taken from such vessels, unless they be soldiers in the actual service of the enemy.

Considering that the crimes of England having given to the war of despotism against liberty a character of injustice and attrocity, without example in the annals of mankind, the national convention found itself obliged, in using the right of reprisal, to decree, on the 9th of May, 1793. that the vessels of war and corsairs of the republic might take, and conduct into the ports of France, such vessels of the neutral powers as they should find charged, in whole or in part, with provisions belonging either to such powers, or the enemies of France. Soon afterwards, however, on the first of July, 1793, the convention restored in full vigor the dispositions of the treaty above-mentioned, of the 6th of February, 1778, but which were again revoked by a decree of the 27th of the same month, in respect to provisions and merchandises belonging to an enemy: upon which latter ground it has stood since, leaving the provisions and merchandise of neutral powers in such vessels free: in regard to which the French government has not to reproach itself with having waited to shew itself just and loyal, that the cabinet of London might revoke, as it did a long time afterwards, the order given by it the preceding year, to seize all neutral vessels carrying provisions or merchandise into France:

Considering that since, and notwithstanding the notoriety with which this cabinet continues to insult and violate the rights of neutral nations, by causing their vessels charged with merchandise, destined for the ports of France, to be seized; yet the national convention has enjoined it, by the seventh article of the law

of the 13th of this month, upon all officers, civil and military, strictly to observe, in all their dispositions, the treaties which unite France with the neutral powers of the ancient continent, as likewise with the United States of America, declaring all articles of a contrary import in any other law to be absolutely null and void.

Fully therefore to carry into effect the said law, according to its true intent and meaning, it is hereby ordered....

ARTICLE 1. The commission of marine and of the colonies, shall notify without delay, to all the commanders of armed vessels, divisions, and squadrons, the article above mentioned of the law of the 13th of this month; and in consequence that they are to consider the 5th article of the arrete of the 25th Brumaire last, which authorized the seizure of merchandise belonging to an enemy, on board neutral vessels, until such enemy shall have declared French property on board such vessels free, as now null and void.

2. The merchandise called contraband, though belonging to a neutral power, shall continue subject to seizure.

3. All arms, instruments and munitions of war of every kind, horses and their equipage, and all kind of merchandise and other effects destined for an enemy's port actually blockaded or besieged, shall be deemed contraband of war.

CAMBACERES, CHAZAL,
CARNOT, MAREC,
PRIEUR, PELET,
A. DUMONT,

Decree of the executive directory, on the conduct of the flag of the French republic towards neutral vessels.

14*th Messidor*, 4*th year*,
[2*d July*, 1796.]

The executive directory considering that if it belongs to French loyalty to respect the treaties or conventions which assure to neutral or friendly powers the commercial advantages of which the result ought to be common to the contracting powers, these same advantages, if they are turned to the benefit of our enemies, either through the feebleness of our allies or of neutrals, through fear from views of interest, or from any other motive, would provoke indeed the inexecution of the articles by which they should be stipulated, decrees what follows:

It shall be notified without delay to all the neutral or allied powers, that the flag of the French republic shall be used against neutral vessels, be it for the purpose of confiscation, search or detention (visite ou prehension) in the same manner that they suffer the English to use theirs in regard thereto.

The minister of foreign relations is charged with the execution of the present decree which shall not be printed.

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Decree of the executive directory concerning the navigation of neutral vessels loaded with merchandize belonging to the enemies of the republic, and the judgment on the trials relative

to the validity of maritime prizes.

12*th Ventose*, 5*th year.* [2*d March*, 1797.]

The executive directory having examined the law of the 9th May, 1793, which, for as much as the flag of neutral powers not being respected by the enemies of the French republic, and all the laws of nations being violated to her prejudice, it is no longer permitted to the French people to fulfil, towards these powers in general, the wish which it has so often manifested, and which it will constantly form for the full and entire liberty of commerce and of navigation,—orders, among other things:

1st. That the French vessels of war and privateers may stop, and carry into the ports of the republic, neutral vessels which may be found loaded entirely, or in part, with merchandize belonging to the enemy.

2d. That the merchandize belonging to the enemy shall be declared good prize, and confiscated for the benefit of the captors.

3d. That in all cases the neutral vessels shall be released the moment the unloading of the merchandize seized shall have been effected; that the freight shall be paid at the rates which shall have been stipulated by the freighters, and a just indemnity shall be allowed for their detention by the tribunals, whose duty it may be to take cognizance of the validity of the prizes.

4th. That these tribunals shall moreover be bound to transmit, three days after their judgment, a copy of the inventory of the merchandize to the minister of the marine, and another copy to the minister of foreign affairs.

5th. That the present law, applicable to all prizes which have been made since the declaration of war, shall cease to have its effect when the enemy powers shall have declared free, and not seizable, though destined for the ports of the republic, the merchandize loaded on board neutral vessels which shall belong to the French government or its citizens.

Having likewise examined the law of the 27th July, 1793, which in maintaining that of the 9th May preceding, here above recited, orders that it should have its full and entire execution, and that in consequence all other regulations which may be contrary to it are and remain repealed, a repeal which evidently comprehends the law of the first of the same month of July, by which the vessels of the United States of America had been excepted from the law of the 9th May, in conformity to the 5th article of the treaty of the 6th February, 1778.

Having also examined the 7th article of the law of the 13th Nivose, 3d year, [3d January, 1795] which enjoins on all the agents of the republic, on all the commandants of the armed force, on the officers civil and military, to cause to be respected and observed in all their arrangements, the treaties which unite France to the neutral powers of the ancient continent, and to the United States of America, and adds that no blow shall be aimed at those treaties, and that all regulations which may be contrary to them

are annulled: considering that this law does not derogate from that of the 9th May, 1793, save only, in favor of those neutral powers whose treaties actually subsisting with the French republic, are contrary to its regulations, that consequently it is important for the information as well of the commandants as the armed force of the republic, and of the vessels commissioned by it, as of the tribunals charged with deciding on the validity of the prizes, to take measures for preventing either that it should be supposed that treaties existed, which never were made, or that treaties concluded for a limited time which is expired, should be considered as still being in force, or that those which have been modified since their formation should be considered as yet requiring a literal execution: that to this last description belongs particularly, the treaty of amity and commerce, concluded the 6th February, 1778, between France and the United States of America: that in effect by the 2d article of this treaty, France and the United States of America, mutually engage not to grant any particular favor to other nations in relation to commerce or navigation, which does not become forthwith common to the other party, and that it is added by the same article, that this other party shall enjoy the favor gratuitously, if the grant is gratuitous, or on making the same compensation if the grant is conditional; that thus the provision stipulated in favor of England, by the treaty of amity, commerce and navigation, concluded at London the 19th November, 1794, between that power and the United States of America, are considered to have been in behalf of the French republic itself, and in consequence modifying, on the points where they differed, the treaty concluded 6th February, 1778; that it is agreeable to these provisions that the French government has declared by its decrees of the 14th and 28th Messidor, 4th year, 2d and 16th July, 1796, as it is likewise forced to do at present, that it will use the just measures of reciprocation, which it had a right to exercise in that respect in every thing which has a relation to the circumstances of the war, as also to the political, commercial and maritime interests of the French republic; that consequently it is necessary to settle, by reconciling the treaties of the 6th February, 1778, and 19th November, 1794, every doubt as to the case where this right of reciprocation ought to be exercised.

Considering that there have been quite lately raised, as to the manner of stating the proofs of property in the ships and merchandise pretended to belong to neutrals, doubts and controversies which never would have taken place, if the provisions of the ancient regulations relative to this business had been better known, that it consequently is of importance to recite these provisions and to cause to be executed the 5th article of the law of the 14th February, 1793, which has maintained them.

After having heard the minister of justice, of the marine, and of the colonies, decrees, what follows:

Article 1. The commissioners of the executive directory near the civil tribunals of the departments shall take care that on the trials as to the validity of maritime prizes, no judgment shall be founded on the 7th article of the law of the 13th Nivose, 3d year, [2d January, 1795] unless the minister of justice be previously consulted in conformity to the 3d article of the law of the 8th Florial, 4th year, [27th April, 1796] relative to the treaties, in virtue of which some neutrals might pretend to withdraw themselves by means of the 1st of these laws from the execution of that of the 9th May, 1793.

2. The minister of justice would consequently examine if the treaties appealed to still remain in force, or whether they have been modified since their adoption: he shall be furnished for this purpose by the minister of exterior relations with all the information (renseignements) of which he shall be in want, and he shall refer the same to the executive directory, as is prescribed by the law of the 8th Florial, 4th year [27th April, 1796.]

3. The executive directory reminds all French citizens, that the treaty entered into on the 6th of February, 1778, between France and the United States of America, has been, from the terms of its 2d article, in strict right (de plein droit) modified by that which was entered into in London on the 19th of November, 1794, between the United States of America and England. In consequence, agreeably to the 17th article of the treaty of London, of the 19th of November, 1794, all merchandise belonging to an enemy, or not sufficiently proven to be neutral, loaded under the American flag, shall be confiscated; but the vessel, on board of which it shall have been found, shall be released, and returned to the proprietor. It is enjoined on the commissioners of the executive directory to cause to be accelerated, by all the means in their power, the judgment on the trials which shall take place, either in relation to the validity of the capture of the cargo, or in relation to freights and demurrage.

2. Agreeably to the 18th article of the treaty of London, of the 19th of November, 1794, there shall be added the following articles to those declared contraband by the 24th article of the treaty of the 6th of February, 1778, viz. wood for ship building, pitch, tar and rosin, copper in sheets, canvass, hemp and cordage, and every thing that serves, directly or indirectly, for the armament and equipment of vessels, except unwrought iron and fir plank. These several articles shall be confiscated, whenever they shall be destined, or when it is attempted to carry them, to the enemy.

3. Agreeably to the 21st article of the treaty of London, of the 19th of November, 1794, every individual known to be American, who holds a commission given by the enemies of France, as also every mariner of that nation, making a part of the crew of private or public ships (navires ou vaisseaux) of the enemy, shall be, from that act alone, declared a pirate, and treated as such; without allowing him, in any case, to shew that he had been

forced by violence, menaces, or otherwise.

4. In conformity to the law of the 14th February, 1793, the regulations of the 21st October, 1744, and of the 26th July, 1778, as to the manner of proving the right of property in neutral ships and merchandise, shall be executed according to their form and tenor.

In consequence every American vessel shall be a good prize, which has not on board a list of the crew (Role d'Equipage) in proper form, such as is prescribed by the model annexed to the treaty of the 6th February, 1778, a compliance with which is ordered by the 25th and 27th articles of the same treaty.

5. It is enjoined on the commissioners of the executive directory to call the severity of the tribunals to the fraudulent manœuvres of every ship owner calling himself a neutral, American, or other, on board a vessel in which shall be found, as has frequently been done during the present war, either maritime papers (papiers de mer) in blank, though signed and sealed; or papers in form of letters containing the signatures of individuals, in blank; or of double passports or sea letters, which indicate different destinations to the vessel; or double invoices, bills of lading, or any other ship papers which assign to the whole, or to a part of the same merchandise different proprietors or different destinations.

6. From the regulations of the present decree, that of the 9th Frimaire last (29th November, 1795) concerning the freights and demurrage, is referred to what relates to the demurrage only.

The present decree shall be inserted in the bulletin of the laws. The ministers of the marine and of the colonies, of justice, and of foreign relations, are charged with its execution, each one in what concerns him.

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Law which determines the character of vessels from their cargo, especially those loaded with English merchandise.

29 *Nivose*, 6*th year*,
[*January* 18, 1798.]

After having heard the report of a special commission on the message of the executive directory of the 15th Nivose, relative to English merchandise:

Considering that the interest of the republic requires that the most prompt measures against all vessels which shall be loaded with it:

Art. 1. The character of vessels, in what concerns their quality, as neutral or enemy, shall be decided by their cargo: in consequence every vessel found at sea, laden in whole or in part with merchandise coming (provenants) from England or her possessions, shall be declared good prize, whoever may be the proprietor of these productions or merchandise.

2. Every foreign vessel, which shall, during her voyage, have entered a port of England, shall not be admitted into a port of the French republic, save only when there is a necessity for her entering (de relache) in which case

she shall be bound to leave the said port so soon as the cause of her entering it (de sa relache) shall have ceased.

Decree of the executive directory in explanation of that of the 12th Ventose, 5th year, 2d March, 1797, concerning the navigation of neutral vessels of the 28th Ventose, 7th year, 18th March, 1799.

The executive directory, having examined its decree of the 12th Ventose, 5th year, (2d March, 1797) concerning the navigation of neutral vessels loaded with merchandise belonging to the enemies of the republic, and the judgment on the trials as to the validity of maritime prizes; considering that the 4th article of that decree, in what relates to the roles d'equipages with which neutral vessels ought to be furnished, has had improper interpretations so far as concerns the roles d'equipages of American vessels, and that it is time to do away the obstacles resulting therefrom, to the navigation of the vessels of that nation.

After having heard the minister of exterior relations, and the minister of justice, declare that, by the 4th article of the said decree, it was not understood that the navigation of American vessels, relatively to the form of their roles d'equipages, was subjected to other conditions, than those imposed on all neutrals by the 12th article of the ordinance of 1794, and by the 9th article of that of the 26th July, 1778.

The ministers of the marine and of justice, each in what concerns him, are charged with the execution of the present decree, which shall be inserted in the bulletin of laws.

Decree of the executive directory as to those who compose the crews of the vessels of the enemies of France.

8 *Brumaire, 7th year,*
[29*th Oct.* 1799.]

The executive directory, on the report of the minister of exterior relations, considering that the squadrons, privateers and vessels, of England and Russia, are in part manned by foreigners; considering that this violation is a manifest abuse of the laws of nations, and that the powers of Europe have not taken any measures to stop it—decree:

Art. 1. Every person, native (original) of friendly countries, allied to the French republic, or neutral, holding a commission given by the enemies of France, or making part of the crews of the vessels of war, or other enemy vessels, shall, for that act alone, be declared a pirate, and treated as such, without being allowed in any case to allege that he was forced by violence, menaces, or otherwise.

2d. The executive directory of the Batavian, Ligurian, Cisalpine, and Roman republics, shall be informed of this measure.

3d. The provisions contained in the 1st article shall be notified to the powers neutral or allied to the French republic.

Decree of the executive directory on the mode of executing its decree of the 8th Brumaire, 7th year, (29th October, 1799) concerning those who compose the crew of enemy vessels.

24*th Brumaire, 7th year,*
[14*th Nov.* 1799.]

Art. 1. In execution of the 3d article of the decree of the executive directory of the 8th of this month, the allied or neutral powers shall be invited to take the necessary measures for recalling within a time, which shall be fixed, those mariners of their respective nations actually embarked on board the vessels of war, or other vessels, belonging to England.

2. The ambassadors, ministers, and envoys of the republic, near the respective powers, shall receive particular instructions on this subject.

3. The period of the execution of the decree of the 8th Brumaire, shall be determined by a subsequent decree.

4. The minister of exterior relations shall be charged to make arrangements with the minister of marine and the colonies for the execution of the present decree.

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Law which repeals the 1st article of that of 29th Nivose, 6th year, 18th January, 1798, relative to maritime cruising.

Art. 1. The first article of the law of the 29th Nivose, 6th year, 18th January, 1798, relative to maritime cruising, is repealed.

The consuls of the republic order, that the above law shall be published and executed, and that the seal of the republic shall be affixed to it. Done at the national palace of the consuls of the republic, the 23d Frimaire, 8th year, 13th Dec. 1800, of the republic.

ROGER DUCOS,
BONAPARTE, SIEYES.

—

Decree of the consuls of the republic which puts in force the ordinance of the 26th July, 1778, concerning the navigation of neutral vessels, 29th Frimaire, 8th year, 19th Dec. 1800.

The consuls having examined the law of the 23d Frimaire, 8th year, December 13, 1800, which repeals the 1st article of the law of the 25th Nivose, 6th year, January 14, 1798, relative to maritime cruising, considering that the repeal of that law necessarily renews that state of the law antecedently existing.

That this as fixed by the ordinance of the 26th July, 1778, is considered the most proper to conciliate the interests of the republic with the rights of neutral powers; wishing to prevent on the part of French or neutral owners (armateur) errors or interpretations which shall counteract the views under which the law of the 29th Nivose, 6th year, 18th January, 1798, has been repealed—decree what follows:

Art. 1. The regulations prescribed by the ordinance of the 26th July, 1778, concerning the navigation of neutral vessels, shall be strictly observed by all

those to whom they shall be applicable; but in case of a contravention on their part, they are to suffer the confiscations and condemnations in damages fixed on by the said ordinance and the laws.

2. The ministers of justice, of the marine, of exterior relations, and of the finances are charged, each one in what concerns him, with the execution of the present decree, which shall be inserted in the bulletin of the laws.

The consuls of the republic,

BONAPARTE, SIEYES,
ROGER DUCOS.

IMPERIAL CAMP.

Berlin, Nov. 21, 1806.

Napoleon, emperor of the French, and king of Italy, considering:

1. That England does not admit the right of nations as universally acknowledged by all civilized people:

2. That she declares as an enemy every individual belonging to an enemy state, and, in consequence, makes prisoners of war, not only of the crews of *armed* vessels, but also of *merchant* vessels, and even the supercargoes of the same:

3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy state:

4. That she extends to ports not fortified, to harbors, and mouths of rivers, *the right of blockade*, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports:

5. That she declares blockaded places before which she has not a single vessel of war; although a place ought not to be considered blockaded, but when it is so invested as that no approach to it can be made, without imminent hazard; that she declares even places blockaded, which her united forces would be incapable of doing, such as entire coasts and a whole empire:

6. That this unequalled abuse of right of blockade has no other object than to interrupt the communications of different nations, and to extend the commerce and industry of England upon the ruin of those of the continent:

7. That this being the evident design of England, whoever deals on the continent in English merchandise favors that design, and becomes an accomplice:

8. That this conduct in England (worthy only of the first ages of barbarism) has benefited her to the detriment of other nations:

9. That it being right to oppose to an enemy the same arms she makes use of, to combat as she does, when all ideas of justice, and every liberal sentiment (the result of civilization among men) are disregarded:

We have resolved to enforce against England the usages which she has consecrated in her maritime code.

The present decree shall be considered as the fundamental law of the empire, until England has acknowledged, that *the rights of war* are the same on land as at sea; that it cannot be extended

to any private property whatever, nor to persons who are not military, and until the right of blockade be restrained to fortified places, actually invested by competent forces.

[TRANSLATION.]

Imperial decree of the 21st of November, 1806.

Art. 1. The British islands are declared in a state of blockade.

2. All commerce and correspondence with the British islands are prohibited. In consequence, letters or packets addressed either to England, to an Englishman, or in the English language, shall not pass through the post-office, and shall be seized.

3. Every subject of England, of whatever rank and condition soever, who shall be found in the countries occupied by our troops, or by those of her allies, shall be made prisoners of war.

4. All magazines, merchandise, or property whatsoever, belonging to a subject of England, shall be declared lawful prize.

5. The trade in English merchandise is forbidden. All merchandise belonging to England, or coming from its manufactories and colonies, is declared lawful prize.

6. One half of the proceeds of the confiscation of the merchandise and property declared good prize by the preceding articles, shall be applied to indemnify the merchants for the losses which they have suffered by the capture of merchant vessels by English cruisers.

7. No vessel coming directly from England, or from the English colonies, or having been there since the publication of the present decree, shall be received in any port.

8. Every vessel contravening the above clause, by means of a false declaration, shall be seized, and the vessel and cargo confiscated, as if they were English property.

9. Our tribunal of prizes at Paris is charged with the definitive adjudication of all the controversies which may arise within our empire, or in the countries occupied by the French army, relative to the execution of the present decree. Our tribunal of prizes at Milan shall be charged with the definitive adjudication of the said controversies, which may arise within the extent of our kingdom of Italy.

10. The present decree shall be communicated, by our minister of exterior relations, to the kings of Spain, of Naples, of Holland, of Etruria, and to our allies, whose subjects, like ours, are the victims of the injustice and the barbarism of the English maritime laws.

Our ministers of exterior relations, of war, of marine, of finances, of police, and our postmasters general, are charged each in what concerns him, with the execution of the present decree.

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Paris, Dec. 26.

IMPERIAL DECREE.

Rejoinder to his Britannic majesty's order in council of the 11*th November*, 1807. *At our royal*

palace at Milan, December 17, 1807.

Napoleon, emperor of the French, king of Italy, and protector of the Rhenish confederation.

Observing the measures adopted by the British government, on the 11th November last, by which vessels belonging to neutral, friendly, or even powers the allies of England, are made liable, not only to be searched by English cruisers, but to be compulsorily detained in England, and to have a tax laid on them of so much per cent. on the cargo, to be regulated by the British legislature.

Observing that by these acts the British government *denationalizes* ships of every nation in Europe, that it is not competent for any government to detract from its own independence and rights, all the sovereigns in Europe having in trust the sovereignties and independence of the flag; that if by an unpardonable weakness, and which in the eyes of posterity would be an indelible stain, if such a tyranny was allowed to be established into principles, and consecrated by usage, the English would avail themselves of it to assert it as a right, as they have availed themselves of the tolerance of government to establish the infamous principle, that the flag of a nation does not cover goods, and to have to their right of blockade an arbitrary extension, and which infringes on the sovereignty of every state; we have decreed and do decree as follows.

Art. 1. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or to a voyage to England, or shall have paid any tax whatsoever to the English government, is thereby and for that alone, declared to be *denationalized*, to have forfeited the protection of its king, and to have become English property.

Art. 2. Whether the ships thus *denationalized* by the arbitrary measures of the English government enter into our ports, or those of our allies, or whether they fall into the hands of our ships of war, or of our privateers, they are declared to be good and lawful prize.

Art. 3. The British islands are declared to be in a state of blockade, both by land and sea. Every ship of whatever nation, or whatsoever the nature of its cargo so may be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, is good and lawful prize, as contrary to the present decree, and may be captured by our ships of war, or our privateers, and adjudged to the captor.

Art. 4. These measures, which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers, shall cease to have any effect with respect to all nations who shall have the firmness to compel the English government to respect their flag. They shall continue to be rigorously in force as long as that government does not return to the principle of the

law of nations, which regulates the relations of civilized states in a state of war. The provisions of the present decree shall be abrogated and null, in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and of honor.

All our ministers are charged with the execution of the present decree, which shall be inserted in the bulletin of the laws.

NAPOLEON.

By order of the emperor,
H. B. MARET,
Secretary of state.

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Extract of a letter from general Armstrong to the secretary of state, dated Paris, 23d April, 1808.

Orders were given on the 17th instant, and received yesterday at the imperial custom-house here, "to seize all American vessels now in the ports of France or which may come into them hereafter."

Postscript.—April 25th, 1808. I have this moment received the following explanation of the above mentioned order, viz. That it directs the seizure of vessels coming into ports of France after its own date, because no vessel of the United States can now navigate the seas, without infracting a law of the said states, and thus furnishing a presumption that they do so on British account, or in British connexion.

Note.—The above extracts contain the only authentic information, received at the department of state, relative to the Bayonne decree.

FRENCH WEST INDIA DECREES.

[TRANSLATION.]

EQUALITY—LIBERTY.

Extract from the registers of the special agency of the executive directory, to the Windward Islands.

The special agents of the executive directory, to the Windward Islands.

Considering that the laws as well ancient as modern forbid neutrals to carry to the enemy contraband or prohibited merchandises:

Considering that notwithstanding the complaints of the minister plenipotentiary of the French republic, near the United States of North America, of which he has informed us by his letter of the 2d July, 1796, those states, and especially Virginia, have fitted out vessels loaded with horses for the English.

Decree, that from this day forward, all vessels loaded with merchandises designated by the name of contraband, as arms, instruments, munitions of war, of what kind soever, horses and their furniture, shall be stopped by the ships of war and privateers, to be seized and confiscated for the benefit of the captors.

At Basseterre, Guadaloupe, August 1, 1796.

Signed on the register,
VICTOR HUGUES,
LEBAS.

Compared with the register.
VAUCHELET,
Secretary of the agency.

[TRANSLATION.]

EQUALITY—LIBERTY.

DECREE.

The special agents of the executive directory, to the Windward islands—

Considering that the ports of the Windward and Leeward Islands, as well as those of Demara, Essequibo, and Berbice, delivered up to the English, occupied and defended by emigrants, are in a state of regular siege; and not entitled to the same advantages as the ports of the different English colonies, possessed by that power before the war, or to other rights:

Considering that it is against every principle to treat a hord of insurgents, destitute of country, without government, and without a flag, with the same respect as civilized nations preserve towards each other during a war;

Considering that, by the authentic acts which are in our possession, it is proved that the divers places of the colonies delivered up to the English by the rebel Frenchmen and Batavians, no more belong to the British government than la Vendee, in which the English ministry had in like manner mercenary troops under pay—some regiments clad in the same uniform as those of England;

Considering that in virtue of the 2d article of the treaty of alliance concluded at Paris on the 6th of February, 1778, between the United States and France, the former power engaged to defend the American possessions in case of war, and that the government and the commerce of the United States have strangely abused the forbearance of the republic of France in turning to its injury the favors granted to them of trading in all the ports of the French colonies;

That by permitting neutral vessels any longer to carry provisions of war and of subsistence to men evidently in a state of rebellion, would be to prolong civil war, and the calamities and crimes flowing therefrom—Decree as follows:

Art. 1. The ships of the republic and French privateers are authorised to capture and conduct into the ports of the republic, neutral vessels destined for the Windward and Leeward islands of America, delivered up to the English, and occupied and defended by the emigrants. These ports are Martinico, St. Lucia, Tobago, Demara, Berbice, Essequibo; and at the leeward, Port-au Prince, St. Marck's, L'archaye and Jeremie.

2. Every armed vessel, having a commission from either of the said ports, shall be reputed a pirate, and the crews adjudged and punished as such.

3. The vessels and cargoes described in the 1st and 2d articles are declared good prize, and shall be sold for the benefit of the captors.

4. Every captured vessel, which shall have cleared out under the vague denomination of *West Indies*, is comprehended in the 1st and 2d articles.

5. The decree of the 4th of last Nivose, in pursuance of the resolution of the executive directory, of the 14th Messidor, 4th

year, shall be executed till further orders, as far as shall not be contravened by the present decree.

This decree shall be printed, transcribed in the register of the criminal and commercial tribunals, sent to all the French colonial ports, read, published, and posted up, wherever it may be necessary.

It shall be notified officially to the neutral governments of St. Croix, St. Thomas, and St. Bartholomews.

Enjoining the criminal and commercial tribunals of Guadaloupe, their delegates in the different French colonies and elsewhere, the rear-admiral commandant on the West India station, and the head of the administration, to aid in executing the present decree, each in his respective department.

Done at Basseterre, island of Guadaloupe, the 13th of Pluviose, 5th year, (1st February, 1797) of the French republic, one and indivisible.

VICTOR HUGUES & LEBAS.

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[TRANSLATION.]

tract from the register of the resolves of the commission delegated by the French government to the Leeward Islands.

The commission resolves, that the captains of French national vessels and privateers are authorized to stop, and bring into the ports of the colony, American vessels bound to English ports, or coming from the said ports.

The vessels which are already taken, or shall be hereafter, shall remain in the ports of the colony, until it shall be otherwise ordered.

At the Cape 7th Frimaire (27th November, 1797) in the fifth year of the French republic, one and indivisible.

Signed on the records of the process verbal.

LE BLANC, President.

SANTHONAX, RAIMOND, } Commissioners.

PASCAL, Secretary general.

A true copy.

The secretary general of the commission,

PASCAL.

—

L. Ferrand, general of brigade, commander in chief of St. Domingo, acting as captain general, and a member of the legion of honor.

Experience has, for too much time, taught the general, that all kind of regard and modification towards those scoundrels, who maintain the rebellion in Hispaniola, by furnishing every thing necessary to the rebels, against the will and approbation of their respective governments, and who, by those acts of cupidity, dishonor the flags they sail under; and finding the necessity of putting a stop to rapacity, and to treat them as pirates, has proclaimed and proclaims—

Art. 1. All individuals whomsoever, found on board of any vessel or vessels, allies or neutrals, bound to any ports in Hispaniola occupied by the rebels, shall suffer death.

Those found on board of any vessel, allies or neutrals, coming out of any ports in Hispaniola, occupied by the rebels, shall suffer death.

Those found at two leagues distance, from any part of the coast of Hispaniola, occupied by the rebels, on board of allies or neutrals, shall suffer death.

2. The general informs, that all prisoners made in those different cases, shall be brought into one of the ports of Hispaniola, occupied by the French, to be tried by military commission, which is to pronounce sentence.

3. This proclamation shall be put into execution, on the 1st Floreal, (21st April) and until that time all the preceding proclamations, in order to prevent all kinds of communication with the coast of Hispaniola, occupied by the rebels, shall be strictly executed.

4. Of this present proclamation registered at the colonial inspection, one hundred copies are printed, published and posted up in all the chief places, round the east part of Hispaniola, and all necessary ships shall be taken to its publicity in all the islands and continent of America.

Done at head quarters of the general of St. Domingo, the 16th Pluviose, year the 13th, 5th February, 1805.

The general commander in chief, acting as captain general, and member of the legion of honor.

L. FERRAND.

SPANISH DECREES, &c.

Copy of a letter from the secretary of state of his catholic majesty, to the minister plenipotentiary of the United States at Madrid.

Aranjuez, 15*th February*, 1800.

Sir—The king wishing to lessen as much as possible the evils resulting to the nation, from the scandalous traffic which many of his subjects carry on with Gibraltar by means of neutral vessels, and making use of just reprisals against the enemies of his crown who have declared the ports of Cadiz and St. Lucar de Barrameda blockaded: his majesty has thought proper to declare that from this day he should consider Gibraltar as blockaded, and that under this view all captures of neutral vessels going to the said place should be held as legitimate: for which purpose, and that ignorance may not be pleaded, his majesty has commanded me to communicate this declaration for the information and government of your court.

I place myself at your disposition, and pray God to preserve your life many years.

MARINO LUIS DE URQUEJO.

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[*Translation.*]

Aranjuez, *February* 19*th*, 1807,

By the greatest outrage against humanity and against policy, Spain was forced by Great Britain, to take part in the present war. This power has exercised

over the sea and over the commerce of the world an exclusive dominion. Her numerous factories disseminated through all countries are like sponges which imbibe the riches of those (countries) without leaving them more than the appearances of mercantile liberty. From this maritime and commercial despotism, England derives immense resources for carrying on a war, whose object is to destroy the commerce which belongs to each state from its industry and situation. Experience has proven that the morality of the British cabinet has no hesitation as to the means, so long as they lead to the accomplishment of its designs. And whilst this power can continue to enjoy the fruits of its immense traffic, humanity will groan under the weight of a desolating war. To put an end to this, and to attain a solid peace, the emperor of the French and king of Italy, issued a decree on the 21st of November last, in which, adopting the principle of reprisals, the blockade of the British isles is determined on, and his ambassador, his excellency Francis de Beauharnois, grand dignitary of the order of the iron crown, of the legion of honor, &c. &c. having communicated this (decree) to the king our master, and his majesty being desirous to co-operate by means sanctioned by the rights of reciprocity, has been pleased to authorize his most serene highness, the prime generalissimo of the marine, to issue a circular of the following tenor.

"As soon as England committed the horrible outrage of intercepting the vessels of the royal marine, insiduously violating the good faith which peace assures individual property, and the rights of nations; his majesty considered himself in a state of war with that power, although his royal soul suspended the promulgation of the manifesto, until he saw the atrocity committed by its seamen sanctioned by the government of London. From that time, and without a necessity of warning the inhabitants of these kingdoms of the circumspection with which they ought to conduct themselves towards those of a country which disregards the sacred laws of property, and the rights of nations, his majesty made known to his subjects the state of war, in which he found himself with that nation. All trade, all commerce is prohibited in such a situation, and no sentiments ought to be entertained towards such an enemy, which are not dictated by honor, avoiding all intercourse which might be considered as the vile effect of avarice, operating on the subjects of a nation, which degrades itself in them. His majesty is well persuaded that such sentiments of honor are rooted in the hearts of his beloved subjects, but does not choose on that account to allow the smallest indulgence to the violaters of the law, nor permit that through their ignorance they should be taken by surprise, authorising me by these presents to declare that all English property will be confiscated whenever it is found on board a vessel, although a neutral, if the consignment belongs to Spanish individuals. So likewise will be confiscated all merchandise which may be met with, although it may be in neu-

tral vessels whenever it is destined for the ports of England or her isles. And finally, his majesty conforming himself to the ideas of his ally, the emperor of the French, declares, in his states, the same law which from principles of reciprocity, and suitable respect, his imperial majesty promulgated under date of the 21st of November, 1806.

The execution of this determination of his majesty belongs to the chiefs of the provinces of departments and of vessels, and communicating it to them in the name of his majesty, I hope they will leave no room for his royal displeasure.

God preserve you many years.

The prince generalisimo of the marine.

His majesty has been pleased to issue the following royal decree.

The abominable outrage committed by the English vessels of war in the year 1804, by the express order of their government, on four frigates of my royal navy, which, navigating under the full security of peace were iniquitously surprised, attacked, and captured, determined me to break off all connexion with the British cabinet, and to consider myself in a state of war with a power which had so unjustly violated the laws of nations and of humanity. An aggression so attrocious gave me a sufficient motive to break all those ties which unite one nation to another, even if I had not considered what I owed to myself, and to the honor and glory of my crown, and of my beloved subjects. Two years of war had passed without producing, on the part of Great Britain, a diminution of her pride, or a renunciation of the unjust domination which she exercised over the sea: on the contrary, confounding her friends with her enemies, and with neutrals, she has manifested her decided will to treat all with the same tyranny. Under these considerations, I determined, in February of the last year, conforming myself to the wise measures adopted by my intimate ally, the emperor of the French and king of Italy, to declare, as I did declare, the British isles in a state of blockade, to see if, by this step, I could convince the British cabinet, that it ought to renounce its unjust domination over the sea, and resolve on making a solid and durable peace. Far from this: not only has it rejected the propositions which have been made on the part of my intimate ally the emperor of the French and king of Italy, as well those made by himself, as those made through the medium of several powers, friends of England; but, having committed the greatest attrocity and piracy, in the scandalous attack on the city and port of Copenhagen, it has thrown off the mask in such a way that no one can doubt that its insatiable ambition aspires to the exclusive commerce and navigation of every sea. Nothing proves it more than the measures which it has just adopted, under date of the 14th November last, not only declaring all the coasts of France, of Spain, of their allies, and those occupied by the arms of the one or the other power, in a state of

blockade, but subjecting the vessels of neutral powers, friends and even allies of England, not only to be searched by English cruizers, but likewise to touch, contrary to their will, at an English port, and also subjecting them to the arbitrary payment of a certain per centage on their cargoes, as may be determined by the English legislature. Authorized then, by the just right of reciprocity to take those measures which may seem to me proper, to prevent the abuse which the British cabinet is making of its forces with respect to the neutral flag, and to see if, in this way, a renunciation of so unjust a tyranny can be obtained, I have come to the determination to adopt, and *I will* that there be adopted in all my dominions, the same measures which my intimate ally, the emperor of the French and king of Italy has adopted, and they are as follows:

Considering, that by the act above mentioned of the 14th November last, the British cabinet has *denationalized* the vessels of all the nations of Europe, and that it is not at the discretion of any government to accomodate *(transiger)* as to its independence and its rights, all the sovereigns of Europe being guarantees of the sovereignty and of the independence of their flags; and that, if, through an unpardonable weakness, which would be an indelible stain in the eyes of posterity, such tyranny should be suffered to be laid down as a principle and consecrated by use, the English would take it as granted to establish it as a right, in the same way that they have availed themselves of the tolerance of governments, to establish the infamous principle that the flag does not cover the merchandise, and to give to its right of blockade an arbitrary extension aimed at the sovereignty of all states, I have decreed, and do decree as follows:

Art. 1. Every vessel, of whatever nation she may be, which may have been visited [*visitado*] by an English ship, or may have submitted to touch at a port of England, or may have paid any duty to the English government, is, from that act, declared to be denationalized, loses the protection of its flag, and makes itself English property.

2. The vessels so denationalized by the arbitrary measures of the British government, whether they enter into our ports, or enter those of our allies, or whether they fall into the possession of our ships of war or our privateers, are good and valid prize.

3. The British isles are declared in a state of blockade, as well by sea as by land. Every vessel, of whatever nation she may be, whatever may be her cargo, dispatched [*expedido*] from the ports of England, or of the English colonies, or from the countries occupied by the English troops, will be a good prize, as contravening this decree, will be liable to capture by our ships of war or by our privateers, and will be adjudged to the captor.

These measures which are nothing more than a just reciprocation of the barbarous system adopted by the English government, which assimilates its legislation to that of Algiers, will cease to have effect on all those nations who know how to oblige the En-

glish government to respect their flag, and will continue in full force until the English government returns to the adoption of those principles of the laws of nations which establish the relations of civilized states in time of war.

The dispositions of the present decree will be revoked and have no effect, so soon as the English government shall have returned to the adoption of those principles of the laws of nations which are equally those of justice and honor.

You will keep this in mind, and communicate it to those to whom belong its execution.

Signed with the royal hand of his majesty, at Aranjuez, on the third of January, 1808.

PEDRO CEVALLOS.

The following documents were not communicated in time to be inserted in the order of date.

COPY OF A LETTER FROM SIR JOHN JERVIS, TO THOMAS GRIFFITH, ESQ. BARBADOES.

Sir—The several French West India islands are to be considered as under blockade, from the arrival of the armament at Barbadoes, the 6th of January: therefore all neutral vessels, trading with these islands within that period, are clearly intended to come within the king's order in council, dated the 6th of November, 1793.

J. JERVIS.

Boyne, in Fort Royal Bay, Martinico, 18th March, 1794.

Instructions to the commanders of all ships of war and privateers, that have, or may have, letters of marque against France.

August 18th, 1794.

GEORGE R.

Whereas by an article of our instructions to the commanders of our ships of war and privateers, having letters of marque against France, given at our court at St. James, the 8th day of June, 1793, we thought fit to declare, that it should be lawful to stop and detain all ships laden wholly, or in part, with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France, and to send them to such ports as should be most convenient, in order that such corn, meal or flour, might be purchased on behalf of our government, and the ships be released after such purchase, and after a due allowance for freight, or that the masters of such ships, on giving due security, to be approved by our court of admiralty, should be permitted to dispose of their cargoes of corn, meal or flour, in the ports of any power in amity with us. We, not judging it expedient to continue for the present the purchase of the said cargoes on behalf of our government, are pleased to revoke the said article, until our farther order therein, and to declare that the same shall no longer remain in force. But we strictly enjoin all our commanders of our ships of war and privateers, to observe the remaining articles of the said instructions; and likewise, all other instructions which we have issued, and which still continue in force.

(COPY.)

His Britannic majesty's ship Captain, off Cadiz, April 11th, 1797,

SIR—In consequence of the unprovoked declaration of war, by the king of Spain, against his Britannic majesty and the British nation, it is thought right that Spain should no longer have any trade. I have therefore the honor to acquaint you, that no neutral vessel will be permitted, in future, to enter or leave the port of Cadiz, unless by leave obtained from me, or the commander in chief of the British fleet, and that from this moment Cadiz is to be considered as a blockaded port.

I have the honor, &c. &c.

HORATIO NELSON.

To the American and Danish consuls at Cadiz.

REPORT.

THE COMMITTEE TO WHOM WAS REFERRED SO MUCH OF THE MESSAGE OF THE PRESIDENT OF THE UNITED STATES, AS RESPECTS OUR RELATIONS WITH FOREIGN POWERS.

REPORT, IN PART—

After a period of twenty-five years of peace, hardly interrupted by transient hostilities, and of prosperity unparallelled in the history of nations; the United States are, for the first time since the treaty which terminated the revolutionary war, placed in a situation equally difficult, critical and dangerous.

Those principles recognized by the civilized world under the name of law of nations, which heretofore controlled belligerent powers, regulated the duties of neutrals, and protected their rights, are now avowedly disregarded or forgotten by Great Britain and France. Each of those two nations capture and condemn all American vessels trading with her enemies or her enemy's allies; and every European power having become a party in the contest, the whole of our commerce with Europe and European colonies, becomes liable to capture by either one or the other. If there be any nominal exception, it is made on a condition of tribute, which only adds insult to injury.

The only plea urged in justification of those hostilities, is that of retaliation, grounded on a presumed acquiescence of the United States in previous aggressions by the other party. Waving a discussion of the correctness of the principle of retaliation, a principle doubtful in itself, and altogether inadmissible to the extent to which it has been carried, and when operating on the neutral rather than on the enemy; it is altogether untrue that the U. States have ever voluntarily acquiesced in the unlawful aggressions of either nation; omitted or delayed any measures calculated to obtain redress, or in any respect deviated from that impartiality to which they were bound by their neutrality. France has alluded to the violations of the national flag, and of the sovereignty of the United States, in the instances of Pierce's murder, of the outrage on the Chesapeake, and of the destruction on the Impetuous. The measures taken

to obtain redress in those cases are of public notoriety, and it may be added, that with the exception of the last, those aggressions on the sovereignty of the United States did not affect their neutrality, and gave no right to France either of complaint or interference. Setting aside irregularities of less importance, and equally chargeable to both nations, such as the British order of June, 1803, and the decree of the French general Ferrand; the principal violations by England of the neutral rights of America, prior to the Berlin decree of November, 1806, and which, if acquiesced in, might have given grounds of complaint to France, are the capture of American vessels laden with colonial produce, founded on a renewal of that pretended principle generally called "the rule of 1756," the impressment of American seamen, compelled thereby to become the auxiliaries of England against France, and proclamation or nominal blockades, particularly that of the coast from the river Elbe to Brest, notified in May, 1806.

It will not be asserted, that the United States ever tamely acquiesced in either of those pretensions. It will not be denied, that with respect to the two first, the most strenuous efforts were incessantly made to procure an alteration of the British system.

It is true, that to the nominal proclamation blockades of England, the United States had opposed only spirited and repeated remonstrances, and that these had not always been successful. But the measures which a neutral nation may be supposed bound to take, against the infractions of its neutrality, must always bear a certain proportion to the extent and nature of the injury received, and to the means of opposition. It cannot certainly be pretended, that a hasty resort to war should, in every such instance, have become the duty of America. Nor can the irregularities of England, in declaring in a state of blockade a certain extent of coast, part of which was not, and the whole of which could not, even by her powerful navy, be actually invested and blockaded, be plead in justification of that decree, by which France, without an efficient fleet, pretends to announce the blockade of the dominions of a power which has the incontestible command of the sea, and before no port of which she can station a single vessel.

The Milan decree of 1807 can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month, since those orders, which have not certainly been acquiesced in, were not even known in America at the date of its decree. And it is proper here to add, that the French have, particularly by the sequestration of certain vessels in their ports, and by burning our ships on the high seas, gone even beyond the tenor of their own extraordinary edicts.

The allegation of an acquiescence in the Berlin decree of November 1806, by which alone the British government pretends to justify the orders of council, is equally unfounded. In the note on that subject, addressed on the 31st of December, 1806, by the British government to the American ministers, after having stat-

ed that "they could not believe that the enemy would ever seriously attempt to enforce such a system," the following declaration is expressly made: "If, however, the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, &c." The two requisites necessary in the opinion of Great Britain to justify retaliation, are stated to be, the execution of the decree, and the acquiescence of neutral nations. Yet, within eight days after, and in the face of that declaration, without waiting for ascertaining either of those facts, the retaliating British order of January 7th, 1807, was issued, which, contrary to the acknowledged law of nations, subjected to capture, vessels of the United States sailing from the ports of one belligerent to a port of *another* belligerent.

The United States in the mean while, and without delay, had taken the necessary steps to ascertain the manner in which the French government intended to execute their decree.

That decree might be construed merely as a municipal law forbidding the introduction of British merchandise, and the admission of vessels coming from England. Under that aspect, and if confined to that object, the neutral rights of America were not affected by its operation.

A belligerent may, without any infraction of neutral rights, forbid the admission into his ports of any vessel coming from the ports of his enemy. And France had undoubtedly the same right to exclude from her dominions every species of British merchandise, which the United States have exercised in forbidding the importation of certain species. Great Britain might be injured by such regulations; but America had no more right to complain of that part of the decree, than France had to object to the American non-importation act. So far indeed as respects the United States, they were placed by the municipal part of the decree in the same situation, in relation to France, in which they are placed in their intercourse with Great Britain by the permanent laws of that country. The French decree forbids American vessels to import British merchandise into France. The British navigation act forbids American vessels to import French merchandise into England. But that broad clause of the Berlin decree which declared the British islands in a state of blockade, though not followed by regulations to that effect, still threatened an intended operation on the high seas. This, if carried into effect, would be a flagrant violation of the neutral rights of the United States, and as such they would be bound to oppose it. The minister of the United States at Paris, immediately applied for explanation on that subject; and the French minister of marine on the 24th Dec. 1806, seven days before the date of the abovementioned note of the British government, stated in answer, that the decree made no alteration in the regulations then observed in France with regard to neutral navigation, or to

the commercial convention of the United States with France. That the declaration of the British islands being in a state of blockade did not change the existing French laws concerning maritime captures, and that American vessels could not be taken at sea for the mere reason of their being going to, or returning from, an English port.

The execution of the decree comported for several months with those explanations: several vessels were arrested for having introduced articles of English growth or manufacture, and among them some which being actually from England, and laden with English colonial produce, had entered with forged papers, as if coming from the United States. But no alteration of the first construction given by the French government took place until the month of September, 1807. The first condemnation on the principle that the decree subjected neutral vessels to capture on the high seas, was that of the Horizon on the 10th of October following. Prior to that time there could have been no acquiescence in a decree infringing the neutral rights of the U. States, because till that time it was explained, and what was more important, executed in such manner as not to infringe those rights, because until then no such infraction had taken place. The ministers of the United States at London, at the request of the British minister, communicated to him on the 18th of October, 1807, the substance of the explanations received, and of the manner in which the decree was executed. For they were at that time ignorant of the change which had taken place.

It was on the 18th of September, 1807, that a new construction of the decree took place; an instruction having on that day been transmitted to the council of prizes by the minister of justice, by which that court was informed, that French armed vessels were authorised, under that decree, to seize without exception, in neutral vessels, either English property or merchandise of English growth or mauufacture. An immediate explanation having been asked from the French minister of foreign relations, he confirmed in his answer of the 7th of October, 1807, the determination of his government to adopt that construction. Its first application took place on the 10th of the same month, in the case of the Horizon, of which the minister of the United States was not informed until the month of November, and on the 12th of that month, he presented a spirited remonstrance against that infraction of the neutral rights of the United States. He had, in the mean while, transmitted to America the instruction to the council of prizes of the 18th of September. This was received on the of December; and a copy of the decision in the case of the Horizon, having at the same time reached government, the President, aware of the consequences which would follow that new state of things, communicated immediately to Congress the alteration of the French decrees, and recommended the embargo, which was accordingly laid on the 22d of December, 1807; at which time it was well

understood, in this country, that the British orders in council, of November preceding had issued, although they were not officially communicated to our government.

On the 11th of that month these did actually issue, declaring that all the ports of France, of her allies, and of any other country at war with England, the British flag was excluded, should thenceforth be considered as if the same were actually blockaded; that all trade in articles of the produce or manufacture of the said countries, should be deemed unlawful; and that every vessel trading from or to the said countries, together with all goods and merchandises on board, and also all articles of the produce or manufacture of the said countries, should be liable to capture and condemnation.

These orders cannot be defended on the ground of their being intended as retaliating on account of the Berlin decree, as construed, and uniformly executed from its date to the 18th September, 1807, its construction and execution having till then infringed no neutral rights. For certainly the monstrous doctrine will not be asserted even by the British government, that neutral nations are bound to resist, not only the acts of the belligerent powers which violate their rights, but also those municipal regulations, which, however, they may injure the enemy, are lawful and do not affect the legitimate rights of the neutral. The only retaliation to be used in such cases, must be such as will operate on the enemy without infringing the rights of the neutral. If solely intended as a retaliation on the Berlin decree, as executed prior to the month of September, the British orders of council should have been confined to forbidding the introduction into Great Britain of French or enemy's merchandise, and the admission into British ports of neutral vessels coming from a French or other enemy's port. Indeed the ground of retaliation on account of any culpable acquiescence of neutrals in decrees violating their rights, is abandoned by the very tenor of the orders; their operation being extended to those countries from which the British flag was excluded, such as Austria, although such countries were neither at war with Great Britain, nor had passed any decree in any way affecting or connected with neutral rights.

Nor are the orders justifiable on the pretence of an acquiescence on the part of the United States in the French decree as construed and executed subsequent to the 18th September, 1807, when it became an evident infraction of their rights, and such as they were bound to oppose. For their minister at Paris immediately made the necessary remonstrances; and the orders were issued not only without having ascertained whether the United States would acquiesce in the injurious alteration of the French decree, but more than one month before that alteration was known in America. It may even be ascertained that the alteration was not known in England when the orders of council were issued; the instruction of the 18th September, 1807, which gave the new and injurious construc-

tion, not having been promulgated in France, and its first publication having been made in December 1807, and by the American government itself.

The British orders of council, are, therefore, unjustifiable on the principle of retaliation, even giving to that principle all the latitude which has ever been avowedly contended for. They are in open violation of the solemn declaration made by the British ministers in December, 1806; that retaliation, on the part of Great Britain would depend on the execution of an unlawful decree, and on the acquiescence of neutral nations in such infraction of their rights. And they were also issued, notwithstanding the official communication made by the ministers of the United States, that the French decree was construed and executed so as not to infringe their neutral rights, and without any previous notice or intimation denying the correctness of that statement.

The Berlin decree as expounded and executed subsequent to the 18th September, 1807, and the British orders of council of the 11th November ensuing, are therefore as they affect the United States co-temporaneous aggressions of the belligerent powers, equally unprovoked and equally indefensible on the presumed ground of acquiescence. These, together with the Milan decree of December, 1807, which filled the measure, would, on the principle of self-defence have justified immediate hostilities against both nations on the part of the United States. They thought it more eligible in the first instance by withdrawing their vessels from the ocean, to avoid war, at least for a season, and at the same time to snatch their immense and defenceless commerce from impending destruction.

Another appeal has in the mean time been made, under the authority vested in the president for that purpose, to the justice and true interest of France and England. The propositions made by the United States, and the arguments urged by their ministers are before Congress. By these the very pretexts of the illegal edicts was removed; and it is evident that a revocation by either nation on the ground on which it was asked, either must have produced, what both pretended to have in view, a restoration of the freedom of commerce, and of the acknowledged principles of the law of nations; or in case of refusal by the other belligerent, would have carried into effect, in the most efficient manner, the ostensible objects of the edicts, and made the United States a party in the war against him. The effort has been ineffectual. The propositions have been actually rejected by one of the belligerent powers, and remain unanswered by the other. In that state of things, what course ought the United States to pursue? Your committee can perceive no other alternative, but abject and degrading submission; war with both nations; or continuance and enforcement of the present suspension of commerce.

The first cannot require any discussion.—But the pressure of the embargo, so sensibly felt and the calamities inseparable, from a state of war, naturally create a wish that some middle

course might be discovered, which should avoid the evils of both, and not be inconsistent with national honor and independence. That illusion must be dissipated: and it is necessary that the people of the United States should fully understand the situation in which they are placed.

There is no other alternative, but war with both nations, or a continuance of the present system. For war with one of the belligerents only would be submission to the edicts and will of the other; and a repeal in whole, or in part of the embargo must necessarily be war or submission.

A general repeal without arming, would be submission to both nations.

A general repeal and arming of our merchant vessels, would be war with both, and war of the worst kind, suffering the enemies to plunder us without retaliation upon them.

A partial repeal must, from the situation of Europe, necessarily be actual submission to one of the aggressors and war with the other.

The last position, is the only one on which there can be any doubt; and it will be most satisfactorily demonstrated by selecting amongst the several modifications, which might be suggested, that which may on first view appear the least exceptionable; a proposition to repeal the embargo, so far only as relates to those powers, which have not passed or do not execute any decrees injurious to the neutral rights of the United States.

It is said that the adoption of that proposition would restore our commerce with the native powers of Asia and Africa, and with Spain, Portugal, Sweden and Russia. Let this be taken for granted, although the precise line of conduct now pursued by most of those nations, in relation to the United States, is not correctly ascertained. So far as relates to any advantages which would result from that measure, if confined to its ostensible object, it will be sufficient to observe that the exports of articles of the domestic produce of the United States, during the year ending the 30th September, 1807, amounted to $48,700,000, and that the portion exported to the countries above enumerated, falls short of seven millions; an amount too inconsiderable, when compared with the bulk of our exports, to deserve attention, even if a question affecting the independence of the nation was to be decided by considerations of immediate profit.

But the true effect of the proposition would be to open an indirect trade with Great Britain, which, through St. Bartholemew and Havannah, Lisbon, Cadiz, or Gottenburg, would receive, at prices reduced by glutted markets and for want of competition, all the provisions, naval stores, raw materials for her manufactures, and other articles which she may want. Whether she would be satisfied with that favorable state of things, or whether, considering that boon as a pledge of unqualified submission, she would according to the tenor of her orders, interrupt our scanty commerce with Russia, and occasionally, under some new pretext, capture, rather than pur-

chase the cargoes intended for her own use, is equally uncertain and unimportant. Nor can it be doubted that a measure, which would supply exclusively one of the belligerents, would be war with the other. Considered merely as a question of profit, it would be much more eligible at once to raise the embargo in relation to Great Britain, as we would then, at least, have the advantages of a direct market with the consumer. But the proposition can only be defended on the ground that France is the only aggressor, and, that having no just reason to complain of England, it is our duty to submit to her orders. On that inadmissible supposition, it would not only be more candid, but also a more dignified, as well as more advantageous course, openly to join England, and make war against France. The object would be clearly understood, an ally would be obtained, and the meanness of submission might be better palliated.

It appears unnecessary to pursue any further the examination of propositions, which the difficult situation of the United States could alone have suggested, and which will prove more inadmissible, or impracticable, as the subject is more thoroughly investigated. The alternative is painful; it is between a continued suspension of commerce and war with both England and France. But the choice must ultimately be made between the two; and it is important that we should be prepared for either the one or the other.

The aggressions of England and France, collectively affecting almost the whole of our commerce, and persisted in, notwithstanding repeated remonstrances, explanations and propositions the most candid and unexceptionable, are, to all intents and purposes, a maritime war waged by both nations against the United States. It cannot be denied that the ultimate and only effectual mode of resisting that warfare, if persisted in, is war. A permanent suspension of commerce, after repeated and unavailing efforts to obtain peace, would not properly be resistance: it would be withdrawing from the contest, and abandoning our indisputable right freely to navigate the ocean. The present unsettled state of the world, the extraordinary situation in which the United States are placed, and the necessity, if war be resorted to, of making it at the same time against both nations, and these the most powerful of the world, are the principal causes of hesitation. There would be none in resorting to that remedy, however calamitous, if a selection could be made with any principle of justice, or without a sacrifice of national independence.

On a question of such difficulty, involving the most important interests of the union, and which has not, perhaps, until lately, been sufficiently considered, your committee think the House alone competent to pronounce a decisive opinion: and they have, in this report, confined themselves to an exposition of the subject, and to such introductory resolutions, as will be equally applicable to either alternative. The first of these, being merely declaratory of a determination not to

submit to foreign aggressions, may, perhaps, at a first view, appear superfluous. It is, however, believed by the committee, that a pledge by the representatives of the nation, that they will not abandon its essential rights, will not at this critical moment be unacceptable. The misapprehensions which seem to have existed, and the misrepresentations which have been circulated, respecting the state of our foreign relations, render also such declaration expedient. And it may not be useless that every foreign nation should understand, that its aggressions never will be justified or encouraged by any description of American citizens. For the question for every citizen now is, whether he will rally round the government of his choice, or enlist under foreign banners?—Whether he will be for his country, or against his country.

The committee respectfully submit the following resolutions.

1. *Resolved*, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France.

2. *Resolved*, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public and private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerent powers, having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also the importation of any goods, wares, or merchandise, the growth, produce or manufacture of the dominions of any of the said powers, or imported from any place in the possession of either.

3. *Resolved*, That measures ought to be immediately taken for placing the country in a more complete state of defence.

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REPORT OF THE SECRETARY OF THE TREASURY ON THE MEANS OF ENFORCING THE EMBARGO.

Committee Chamber,
November 14*th* 1808.

DEAR SIR,

I am instructed by the committee appointed to consider the several embargo laws, &c. to request you to lay before them, with as little delay as possible, such information as your department affords upon the following questions:

First. What measures would be the most effectual in preventing the violations and evasions of the several embargo laws; and enforcing a due observance thereof?

Second. Can any of the inconveniences of the present system be remedied by further modifications; and what modifications would effect that object?

Be pleased, sir, to accept assurances, &c.

W. B. GILES.

Hon. Albert Gallatin, Secretary of the treasury.

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TREASURY DEPARTMENT.
November 24*th*, 1808.

SIR,

Indisposition has prevented an earlier answer to your letter of the 14th inst.

For better preventing coasting vessels, regularly cleared, from violating the embargo, two measures appear necessary:

1st. That the amount of the bonds should be increased.

2d. That neither captures, distress, or any other accident should be admitted as a plea, or be given in evidence on trial.

By the first regulation the temptation of going to a foreign port, in hopes that the profit on the sale of the cargo will indemnify for the forfeiture of the penalty, will be done away. By the second, every expectation of escaping the payment of the penalty, under fraudulent pretences will be disappointed; and the power of remitting the penalties, in the few cases of unavoidable accident which may occur, will remain as heretofore, and as in other cases, with the treasury.

As the object of those two regulations will be to make the bond a sufficient and complete security, they will have a tendency to relieve, in a considerable degree, the coasting trade from the inconvenience resulting from detentions. The sufficiency of the bond will, in many doubtful cases, remove the necessity of detaining vessels, or what amounts to the same, of informing the owners that unless they reduce the amount of their cargoes they will be detained.

I would also submit the propriety of placing under the control of the president that power of detention vested in the collectors by the act of the 25th April last. That subject has been a constant source of complaint and difficulty. It has been the uniform practice, from the establishment of the government of the United States, to give positive instructions to the collectors respecting the execution of the laws, and which they were bound to obey, unless a different construction should be established by a legal decision. This, indeed, was essentially necessary, in order to secure an uniform construction and execution of the laws. But the provision now alluded to, makes the detention to rest on the opinion of each collector, and this must necessarily produce a great diversity in the manner in which the power should be executed. All has been done that could be done to obviate that evil—and the president being authorised to decide on the detentions when made, the opportunity was taken to inform the collectors of what, in his opinion, should be a proper cause of detention. This, however, could be given only as opinion, and operate as a recommendation, and not as an order. Nor does it appear practicable to establish uniformity, and to prevent partiality, and either laxity or too great severity in practice, unless the power of prescribing general rules in that respect, by which the collectors will be bound to abide, be vested in the president.

I am aware that there is another mode of evasion by regular coasting vessels which will not be prevented by either of the preceding provisions. Either whilst in port, or on their ways down our rivers and bays, coasting vessels may receive articles not entered on their manifest, which they put on board other vessels lying off the coast for that purpose.

But it is not perceived that any legal provision can prevent that

infraction, nor that any other remedy can be found than the vigilance of the officers. Another general regulation will however be suggested, perhaps useful as a permament measure, but which would at all events, under existing circumstances, give additional security for the observance of the laws and afford some relief to our own seamen; to wit, a prohibition to employ any aliens either as masters or part of a crew of any coasting vessel.

It is still more difficult to guard against violations by vessels departing without clearances in open defiance of the laws. The following provisions on mature consideration appear the most efficient that can be devised against infractions which is the more necessary to repress as they may be daily expected to increase, and threaten to prostrate the law and government itself.

1st. To forbid expressly under pain of forfeiture (the penalty now being only implied) the lading of any vessel without the permission of the collector and without the bond for a coasting voyage being previously gi en; authorising the collectors to refuse permission, unless the object be that of a lawful coasting or fishing voyage. The great number of vessels now laden and in a state of readiness to depart, shows the necessity of the provision. If there be cases, in which the indulgence of converting vessels into warehouses ought to be granted, there will be no hardship, where the intention is fair, to require a bond similar to that given for a coasting voyage. And the collectors should likewise in such cases be expressly authorised to take such efficient precautions as will put it out of the power of such vessels to sail without warning.

2d. In order to prevent those fraudulent sales of vessels by which ostensible owners of no responsibility are substituted to those from whom penalties might be recovered, it is necessary to provide that those owners of vessels whose names appear on the register or license, should continue to be reputed as such, and liable to the penalties in case of infraction of the laws, until the register or license shall have been actually surrendered, and new papers shall have been regularly granted by the collector to the purchaser. And in every such case of purchase, a sufficient bond, that the embargo shall not be infringed, to be previously required.

3. The power to seize unusual deposits, now vested in the collectors of districts adjacent to the territories of foreign nations should, as was contemplated in the bill passed by the house of representatives, be extended to all the districts. That this is an arbitrary power, which nothing but the unremitted efforts in some places to evade the law, can possibly justify, cannot be denied; and it should, like that of detention, be placed under the control of the president, and be executed only in conformity with such general rules as he would prescribe.

4. Exclusively of the assistance which may be derived from gun boats, and from the armed vessels of the United States, it would be advisable to authorise the president to add ten or twelve

cutters to the present establishment. Fast sailing vessels of every draft of water, and requiring only from fifteen to thirty men each are mostly wanted, and would, for the object contemplated, be as useful as the largest frigates.

5. It is with regret that the necessity of authorising, on the application of the collectors, an *immediate* call of the local physical force of the country, must also be stated. But such partial acts of violence as have taken place in some of the sea ports cannot be prevented, by the circuitous manner in which the public force must now be brought out in support of the laws. And no doubt exists, that the mass of the citizens, whether they approve or disapprove of the embargo, would in every port, instantaneously suppress any such outrage, provided they can be called upon to act in a legal manner.

Some other provisions appear also necessary for the purpose of carrying the laws more completely into effect along our land frontiers.

1. The exportation of specie by land should be expressly prohibited.

2. The power of detaining deposits should be so expressed as to leave no doubt of the authority to detain waggons and other carriages laden and actually on their way to a foreign territory. Although I cannot perceive any reason for the distinction, it has been supposed in one of the districts that the law which authorised the detention of flour, beef, or potash deposited in a warehouse, did not extend to the case of their being deposited in a waggon, although evidently on its way to Canada.

3. The offence now punishable by law is that of exportation. This is not consummated till after the property has been actually carried beyond the lines, where, being in a foreign jurisdiction, it cannot be seized: so that forfeiture, which is the most efficient penalty, can never apply to exportations by land: and no bond being required as in the case of vessels, the only remedy is the uncertain one of recovering penalties against apparent offenders who either abscond or have no property. How far it may be practicable to make the act of preparing the means of exportation punishable or to provide some other remedy, is submitted to the committee.

But it must also be observed, that every degree of opposition to the laws, which falls short of treason, is now with but few exceptions, an offence undefined and unprovided for by the laws of the United States: whence it follows that such offences remain unpunished when the state authorities do not interfere. The necessity of defining those offences by law as misdemeanors, and of providing an adequate punishment appears obvious.

I will beg leave here to add that it does not appear necessary to continue any longer the indulgence granted to the British merchants to import for the use of the Indians, articles of which the importation is generally prohibited by law; as that privilege is liable to great abuse, and affords just ground of dissatisfaction to the American citizens. Whether

it be advisable to continue the permission given to those Indian traders to export furs and peltry is a question to be decided by political considerations.

The last branch of the subject to which I wish at present to call the attention of the committee, relates to interruptions and certain injurious proceedings attempted under color of law.

1. Vexatious suits are brought against collectors which not only perplex faithful officers but have the effect of intimidating others, and prevent an energetic performance of their duties. The only provisions which have occurred to me on that subject, are to enable the collectors who may be sued, always to remove the cause before a court of the United States; to make a certificate issued by the proper authority, that there was reasonable cause of detention, protect them against damages in cases of detentions, in the same manner as is now provided in case of seizures; and to provide for the safe keeping and restoring when proper and on security being given, the vessels and property which may be detained.

2. Attempts have in several instances been made to wrest from the collectors, by writs of replevin issued by state courts or officers, property detained or seized by said collectors, or which, in any other manner, is in their possession in conformity with some law of the United States. It is evident that such attempts, if submitted to, would defeat not only the embargo, but also the revenue laws of the United States: that whenever property is by virtue of a law of the United States, in the possession of a collector, marshal, or any other of their officers, no process *in rem* which will take the property away, whether of replevin, attachment or any other, can be legally issued by a state authority; and that the sheriff or other person executing the same, must be considered as a mere trespasser, and be resisted accordingly. But there is no other way at present to resist such illegal process but actual force. And it appears necessary that another remedy should be afforded, by providing a summary mode of superceding any such process through the interference of the courts and judges of the United States; and by making it penal for any sheriff, or other person, to execute the same, or in any manner to attempt to take property which by virtue of any law of the United States, is in the collector's possession.

3. In some instances where vessels and cargoes libelled for infractions of the embargo have been restored to their owners on their giving security for the appraised value, the valuations have been so low as to reduce the forfeiture to an inconsiderable sum, thereby defeating altogether the law. It is suggested that this might be prevented by a provision authorising and directing the district judges to set aside, on motion of the district attorney, such valuations, whenever in their opinion falling short of the true value.

4. On the subject of the *mandamus*, I will only observe that, in the only instance which has taken place, the court, supposing they had jurisdiction, could not, from the manner in which the

question was brought before them, have decided otherwise than they did; but that it is desirable that the question of jurisdiction, as it relates either to the courts in whom the power ought to be vested, or to the courts to which it should extend, should be precisely defined by law.

I have not in this communication taken into consideration the technical defects of the embargo laws, because prosecutions do not fall within my immediate cognizance, and I do not feel competent to the task of pointing out the necessary alterations. Measures have, however, been taken to procure on that subject, and from the proper sources, information which will be laid before the committee.

To the remaining inquiry of the committee, whether the inconveniences of the present system may not in some degree be removed, I can only answer generally that a law which lays such extensive restrictions as the embargo cannot be carried into effect without imposing serious inconveniences even on the domestic intercourse of the United States; and that these must necessarily be increased in proportion to the opposition and efforts to evade or violate the law. It has already been stated that provisions which will render the bond given by coasting vessels a complete security against violations of them, will diminish the necessity and extent of more arbitrary restrictions. An authority to permit, on proper security being given such vessels when they arrive in port, to keep their cargoes on board, would afford some relief. And I think that the credit on duties accruing on the importation of certain articles, which was allowed by the act of 10th March last, should be extended to all importations of the same articles made after the passing of the act, those made in vessels which sailed under special permission only excepted. With respect to this last class of importations as they were permitted to special indulgence, as it is understood that it has been impossible in many cases to prevent its being abused, and as almost all the parties having a species of exclusive privilege, have made sufficiently profitable voyages, the propriety, particularly in the existing situation of the revenue, of allowing them also the advantage of an extended credit on duties, is not unperceived.

I have the honor to be,
With great respect,
Sir, your obedient servant,
ALBERT GALLATIN.

Hon. W. B. Giles, chairman of a committee of the senate.

REPORT

OF THE

SECRETARY OF THE TREASURY.

IN OBEDIENCE TO THE DIRECTIONS OF THE ACT SUPPLEMENTARY TO THE ACT, INTITULED, "AN ACT TO ESTABLISH THE TREASURY DEPARTMENT," THE SECRETARY OF THE TREASURY RESPECTFULLY SUBMITS THE FOLLOWING

REPORT AND ESTIMATES:

The nett revenue arising from duties on merchandise and tonnage which accrued during the year 1806, amounted to $16,615,430

And that which accrued during the year 1807, amounted as will appear by the statement (A) to 16,059,924

The same revenue, after deducting that portion which arose from the duty on salt and from the additional duties constituting the Mediterranean fund, amounted during the year 1806, to 14,848,784

And during the year 1807, to 14,375,855

But it is ascertained that the nett revenue which accrued during the three first quarters of the year 1808, did not exceed eight millions of dollars, and is daily decreasing.

The statement (B) exhibits in detail the several species of merchandise and other sources, from which that revenue was collected during the year 1807.

It appears by the statement (C) that the sales of the public lands have, during the year ending on the 30th of September, 1808, amounted to about 200,000 acres; and the payments by purchasers to near 550,000 dollars. The proceeds of sales in the Mississippi territory, being, after deducting the surveying and other incidental expences, appropriated in the first place to the payment of a sum of 1,250,000 dollars to the state of Georgia, are distinctly stated.

It appears by the statement (D) that the payments on account of the principal of the public debt, have, during the same period, amounted to only 2,335,000 dollars. But the payments from the treasury for the annual reimbursement of the six per cent. and deferred stocks, and for the final reimbursement of the 8 per cent. stock will (exclusively of a sum of 730,000 dollars already in the hands of the treasurer as agent for the commissioners of the sinking fund) amount, during the last quarter of this year, to 5,376,000 dollars: Making the total of public debt reimbursed from the 1st of

April, 1801, to the 1st of January, 1809, about thirty-three millions six hundred thousand dollars, exclusively of more than six millions paid during the same period, in conformity with the provisions of the treaty and convention with Great Britain, and of the Louisiana convention.

The public debt will, on the 1st day of January, 1809, amount to 56,647,663 dollars, consisting of the following items:

Old six per cent. stock nominal amount 20,706,603 22		
amount unredeemed		$11,919,877 57
Deferred stock, do.	11,717,476 92	
do.		9,386,627 8
New six per cent. stock exchanged, at par for old six and deferred,		5,993,343 50
New six do. do. arising from conversion of three per cent. stock at 65 new six for 100 three per cent. stock		1,859,770 70
1796, six per cent. stock		80,000,000
Louisiana do.		11,250,000,000
Total six per cent. stock		40,489,618 85
Three per cent. stock		16,158,644 42
		$56,647,663 27

The interest on the whole debt and the annual reimbursement on the six per cent. and deferred stocks, will, for the ensuing year, amount to 4,226,000 dollars, leaving, in order to complete the annual appropriation of 8,000,000 of dollars, a sum of 3,774,000 dollars, applicable to the reimbursement of the new exchanged six per cent. stock. The whole of that and of the other new six per cent. arising from the conversion of three per cent. stock, amounting together to 7,853,000 dollars, would thus be reimbursed within two years. And after the first day of January 1811, the whole annual amount payable on account of interest and annual reimbursement, could not, during the seven ensuing years, exceed 3,756,000 dollars. But under existing circumstances, it is believed that the reimbursement of that new six per cent. stock will be nominal, and must be effected by incurring a new debt to an equal amount.

The actual receipts into the treasury during the year ending on the 30th September 1808, as they principally arose from the revenue accrued during the preceding year (and the payments on account of drawbacks having been diminished by the embargo,) have been greater than those of any preceding year, and amounted to 17,952,419 90

And the specie in the treasury on the 1st October, 1807, amounted to 8,529,573 8

Making together 26,481,992 98

The disbursements during the same period have amounted to $12,635,275 46, consisting of the following items:

Civil department and miscellaneous expences,	1,258,967 18	
Foreign intercourse and payment of American claims assumed by the Louisiana convention	496,499 37	
Military and Indian departments, including fortifications and the expences of the new army	3,023,759 55	
Naval department, including the appropriation of dollars 677,064 47, to cover the deficit of the preceding year	2,257,064 47	
Public debt, principal and interest (the greater part of the payments for the year 1808, falling as already stated in the last quarter) have amounted only to	5,688,984 89	
		12,635,275 46
Leaving a balance in the treasury on the 30th of September, 1808, of		13,846,717 52
		$26,481,992 98

The cash in the hands of collectors and receivers, and the outstanding revenue bonds, which will almost altogether fall due prior to the first of January, 1810, may after deducting the debentures yet unpaid, and the expences of collection, be estimated to have amounted, on the 30th September, 1808, to	10,500,000 00	
Making, together with the balance in the treasury on that day of	13,846,000 00	
An aggregate of		24,346,000 00
Although the expenses of the present quarter cannot at present be precisely ascertained, they will not, including the reimbursement of 5,376,000 dollars, on account of the principal of the public debt, exceed		8,346,000 00
Leaving on the 1st day of January, 1809, a sum of		16,000,000 00

of sixteen millions of dollars in cash or bonds payable during the

year 1809, and applicable to the expenses of that year. It is presumed that the receipts arising from importations and payments for lands subsequent to the 30th September, 1808, will not be greater than the deductions on account of bad debts and of the extension of credit on certain articles.

The expenses of the year 1809, would, according to the appropriations already made, and to the usual annual estimates amount to thirteen millions of dollars, consisting of the following items:

1. Civil list and miscellaneous expences,	900,000 00
2. Foreign intercourse,	200,000 00
3. Grants by congress and other miscellaneous unforeseen demands	150,000 00
4. Military and Indian departments,	2,736,000 00
5. Naval department,	1,014,000 00
6. Annual appropriation for the public debt,	8,000,000 00
	$13,000,000 00

Leaving a surplus of only three millions of dollars for defraying all the expences for fortifications, military stores, increase of the army and navy, or otherwise incident to a state of actual war or of preparation for war,

The annual appropriation on account of the public debt, amounting to eight millions, and the interest for the year 1809, being less than three millions of dollars; an authority to borrow five millions would only create a new debt equal to the principal of old debt reimbursed during that year, and appears sufficient to provide for any deficiency arising from the extraordinary expences which may be thus authorised by congress.

It thus appears, that notwithstanding the general warfare of the belligerent powers against neutral nations, and the consequent suspension of commerce which took place in the latter end of the year 1807, and notwithstanding the increased rate of expenditure naturally arising from that state of things; the ordinary revenue will have been sufficient to defray all the expences of the years 1808 and 1809, including for 1808 a reimbursement of debt exceeding six millions of dollars, and without making any addition to that debt in 1809. The measures necessary to be adopted in order to make a timely provision for the service of the ensuing years, depend on the course which the United States will pursue in relation to foreign aggressions. And that being yet unascertained, it becomes necessary to examine the several alternatives left to the choice of congress.

Either the navigation of the ocean will be abandoned by the United States, or it will be resumed.

The first supposition is that of a continuance of the embargo of the vessels of the United States, and admits of two alternatives.

1. Either a provision generally forbidding exportations, may continue to make part of the system, in which case, importations, whe-

ther expressly interdicted or not, must, for want of the means of payment be also discontinued:

2. Or exportations and corresponding importations may be permitted in foreign vessels.

The second supposition also offers two, and only two alternatives. It may indeed be admitted that the decrees of France can be enforced only in her own territories, and in those of her allies; that however efficient in preventing any commerce between the United States and herself, those decrees cannot materially affect that between her enemies and the United States, and may therefore in that respect be disregarded. But Great Britain having the means of enforcing her orders on the ocean, the navigation of that element cannot be resumed without encountering those orders; and they must either be submitted to, or resisted. There can be no middle way between those two courses.

3. Either America must accept the portion of commerce allotted to her by the British edicts, and abandon all that is forbidden: and it is not material whether this be done by legal provisions limiting the commerce of the United States to the permitted places, or, by acquiescing in the capture of vessels, stepping beyond the prescribed bounds:

4. Or the nation must oppose force to the execution of the orders of England: and this, however done, and by whatever name called, will be war.

Of those four alternatives, the second and third differ neither in principle, nor in their effect on the revenue. As both plans consist in permitting partial exportations and importations, it must be acknowledged, that objectionable as that course may be in other respects, if considered merely in relation to the fiscal concerns of the union, it will, for the moment, be attended with less difficulty than either the present system or war. For however narrow the limits to which, on that plan, the exportations and importations of the United States may be reduced, yet there will still be some commerce, and some revenue arising from commerce. And as, in pursuing that humble path, means of defence will become unnecessary, as there will be no occasion for either an army or a navy, it is believed that there would be no difficulty in reducing the public expenditure to a rate corresponding with the fragments of impost which might still be collected. If that course be adopted, no other provision seems necessary, than an immediate reduction of expences.

The system now in force, and war, however dissimilar in some respects, are both considered as resistance. Nor is it believed that their effect on national wealth and public revenue would be materially different.—In either case a portion, and a portion only, of the national industry and capitol, heretofore employed in the production, transportation, and exchange of agricultural products, or in the foreign carrying trade, can immediately be diverted to other objects.—In case of a continuance of the embargo and non-exportation, either a less quantity of commodities must be produced, or a portion will

accumulate until the freedom of commerce shall be restored. In case of war, that surplus will be exported; and although a part must be lost by capture, a portion of the returns will be received. If the embargo and suspension of commerce shall be continued, the revenue arising from commerce will, in a short time, entirely disappear. In case of war, some part of that revenue will remain; but it will be absorbed by the encrease of public expenditure. In either case, new resources to an amount yet unascertained, must be resorted to. But the assertion that that amount will be nearly the same in either of the two alternatives of embargo or war, is correct only on the supposition, that the embargo and non-exportation are, after a certain time, to be superseded by war, unless foreign aggressions shall cease; and that rendering therefore, preparations for war necessary, they require a rate of expenditure far beyond that of a peace establishment.

If, however, the embargo and non-intercourse are to have equal continuance with the belligerent edicts, indefinite as that is; if it be determined to rely exclusively on that measure, and at all events not to risk a war on account of those aggressions; preparations for war will become useless, and the extraordinary expenses need not be incurred. In that case, the expenditure for the year 1809 ought not to exceed the sum of thirteen millions of dollars, which, as has been stated, is requisite for the support of the present establishment. And this would leave, for the service of the year 1810, the above mentioned surplus of three millions, and the proposed loan of five millions, which, together, would be sufficient to defray the peace establishment, and to pay the interest on the public debt during that year. Thus two years more would be provided for, without either increasing the public debt, or laying any new taxes It is certainly only with a view to war, either immediately or contemplated, that it will become necessary to resort, at least to any considerable extent, to extraordinary sources of supply.

Legitimate resources can be derived only from loans or taxes: and the reasons which induce a belief, that loans should be principally relied on, in case of war, were stated in the annual report of last year. That opinion has been corroborated by every subsequent view which has been taken of the subject, as well as by the present situation of the country. The embargo has brought into, and kept in the United States, almost all the floating property of the nation. And whilst the depreciated value of domestic products increases the difficulty of raising a considerable revenue by internal taxes, at no former time has there been so much specie, so much redundant, unemployed capital, in the country. The high price of public stocks, and indeed of all species of stocks, the reduction of the public debt, the unimpaired credit of the general government, and the large amount of existing bank stock in the United States, leave no doubt of the practicability of obtaining the necessary loans on reasonable terms.

The geographical situation of the United States, their history since the revolution, and, above all, present events, remove every apprehension of frequent wars. It may therefore be confidently ex-

pected, that a revenue derived solely from duties on importations, though necessarily impaired by war, will always be amply sufficient, during long intervals of peace, not only to defray current expenses, but also to reimburse the debt contracted during the few periods of war.

No internal taxes, either direct or indirect, are therefore contemplated, even in the case of hostilities carried against the two great belligerent powers. Exclusively of the authority which must, from time to time, be given to borrow the sums required, (always providing for the reimbursement of such loans within limited periods,) and of a due economy in the several branches of expenditure, nothing more appears necessary than such modifications, and increase of the duties on importations, as are naturally suggested by existing circumstances.

1. Although importations have already considerably diminished, and may, under the system now in force, shortly be altogether discontinued; no reasonable objection is perceived against an increase of duties on such as may still take place. Had the duties been doubled on the 1st January, 1808, as was then suggested in case of war, the receipts into the treasury during that and the ensuing year, would have been increased nine or ten millions of dollars. Those articles of most universal consumption, on which an increase of duty would be inconvenient, are generally either free of duty or abundant. It is therefore proposed that not only the Mediterranean duties, which will expire on the 1st day of January next, should be continued, but that all the existing duties should be doubled on importations subsequent to that day.

2. The present system of drawbacks also appears susceptible of modifications. The propriety of continuing generally that provision of the embargo laws which allows a drawback on articles exported more than one year after they have been imported, is doubtful. A modification might check speculations and monopolies. The diminution of importations has afforded sufficient profits on most of the articles which had been imported: and a provision which would have a tendency to bring into market, and to lessen the price of those articles, would be generally beneficial.

3. The causes which induced the adoption of a partial non importation act, have ceased to exist. The object then in view has merged into a far more important one. The selection of interdicted articles was founded on the possibility of obtaining them in other countries than England, and does not agree with existing circumstances. The act producing now no other effect than to increase the temptations, and to produce habits of smuggling, impairs and injures the revenue. A general non-intercourse with that country would supersede that partial measure, and might be executed with greater facility. And it is believed that, under every event, its repeal will be beneficial, and that a permanent increase of duties on articles selected with a view to those which may be manufactured in the United States, would be preferable.

4. It is believed that the present system of accountability of the military and naval establishments may be rendered more prompt and direct, and is susceptible of improvements which, without embarrassing the public service, will have a tendency more effectually to check any abuses by subordinate agents. Provisions to that effect are rendered more necessary by the probable increase of expence in those departments.

All which is respectfully submitted.

ALBERT GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT,
December 10th, 1808.

(A.)

A STATEMENT

Exhibiting the amount of duties, which accrued on merchandise, tonnage, passports and clearances, of debentures issued on the exportation of foreign merchandise, of payments for bounties and allowances, and for expences of collection during the years 1806 and 1807.

	DUTIES ON							
	MERCHANDIZE.	TONNAGE.	PASSPORTS & CLEAR.	DEBENTURES ISSUED.	BOUNT. AND ALLOW.	GROSS REVENUE.	EXP. ON COLLEC.	NETT REVENUE.
1806	26,336,848 63	220,908 67	20,588 00	9,146,875 00	198,784 32	17,232,685 98	617 256 05	16,615,429 93
1807	26,697,274 02	206,331 06	19,896 00	10,067,191 00	188,634 90	(a)16,667,675 18	607 750 96	16,059,924 22

(a) Gross revenue for the year 1807	16,667,675 08
Deduct interest and storage	15,514 69
Gross revenue per statement B	16,651,160 39

A STATEMENT

Of the amount of American and foreign tonnage, employed in foreign trade for the year 1807, as taken from the records of the treasury.

American tonnage in foreign trade	Tons 1,089.876 00
Foreign tonnage	86,322 00
Total amount of tonnage employed in the foreign trade of the United States	1,176,198 00
Proportion of foreign tonnage to the whole amount of tonnage employed in the foreign trade of the United States	73 to 100

(B.)

A STATEMENT

Exhibiting the value and quantities respectively, of merchandise on which duties actually accrued during the year 1807, (consisting of the difference between articles paying duty imported, and those entitled to drawback, re-exported) and also the nett revenue which accrued during that year, from duties on merchandise, tonnage, passports and clearances.

GOODS PAYING DUTIES AD VALOREM.

36,261,874	dollars at $12\frac{1}{2}$ per cent.	4,532,734	25
9,484,682	15	1,422,702	30
526,113	20	105,222	40
(a)	Additional duty on $46,272,668 at $2\frac{1}{2}$ pr. ct.	1,156,816	70
46,272,668		$7,217,475	65
(b) Spirits, 29.4 cts. (average)	9,031,018 gallons at	2,656,046	74
(c) Sugar, 2.6	65,891,816 pounds at do.	1,694,432	20
(d) Salt, 14.6	3,542,672 bushels at do.	515,920	24
(e) Wines, 30.8	2,692,737 gallons at do.	829,292	81
(f) Teas, 19.4	6,173,151 pounds at do.	1,197,966	86
Coffee, 5	11,016,419 do. at	550,820	95
Molasses, 5	8,255,753 gallons at	412,787	65
(g) All other articles		897,638	13
		$15,882,381	23
Deduct duties refunded, after deducting therefrom duties collected on merchandise, the particulars of which could not be ascertained, and difference in calculation,		29,072	35
			15,853,308 88

3½ per cent. retained on drawbacks		368,275 50
Extra duty of 10 per cent. on merchandise imported in foreign vessels		203,349 65
Net amount of duties on merchandise		$16,424,933 43
Duties on tonnage,	159,983 51	
Light money	46,347 55	
		206,331 06
Duties on passports and clearances		19,896 00
		$16,651,160 49
Sundry accounts not yet received, estimated at		1,000 00
Gross revenue as per statement A		16,652,160 49
Deduct expences of collection,		607,750 96
Net revenue		$16,044,409 53

EXPLANATORY STATEMENTS AND NOTES.

(*a*) Additional duty of 2½ per cent.		1,156,816 70
3½ per cent retained on drawbacks - -		9,201 95
Extra duty of 10 per cent. on merchandise imported in foreign vessels - -		2,130 50
		$1,168,149 15

(*b*) SPIRITS.

From grain,	1st proof	932,692 gallons	at 28 cents	261,153 76
	2d	9,549	29	2,769 21
	3d	402	31	124 62
	4th	76,349	34	25,958 66
	5th	666	40	260 40
Other materials	1st &2d	1,115,435	25	278,858 75
	3d	3,017,756	28	844,971 68
	4th	3,862,708	32	1,236,066 56
	5th	15,437	38	5,866 06
	6th	24	46	11 04
		9,031,018		2,656,046 74

(c) SUGAR.			
Brown	55,924,457 pounds at	2½ cents	1,398,111 43
White	9,877,359	3	296,820 77
	65,801,816		1,694,432 20
(d) SALT.			
Imported bushels of 56lbs.		2,166,429	
Exported	88,259		
Amount of bounties and allowances, 188,634 90 00 dolls. reduced into bushels at five bushels the dollar	943,175		
		1,031,434	
Paying duty, bushels of 56lbs.		1,134,995 at 20 cts	226,999 00
Imported bushels of 56lbs.	2,430,604		
Exported	22,927		
Paying duty, bushels of 56lbs.		2,407,677 at 12 cts	288,921 24
		3,542,672	515,920 24
(e) WINES.			
Madeira, 1st quality,	221,630 gallons at	58 cents,	128,545 40
2d	27,420	50	13,710 00
Sherry and St. Lucar	309,633	40	123,853 20
Lisbon, Oporto, &c.	548,351	30	164,505 30
Burgundy, Champagne, &c.	10,958,	45	4,931 10
Teneriffe, Fayal, Malaga, &c.	413,442	28	115,763 76
Other in bottles,	90,703	35	31,746 05
Ditto in casks,	1,070,600	23	246,238 08
	2,692,737		829,292 81

(*f*) TEAS.

Bohea,	1,544,731	pounds at	12	cents,	185,367 72
Souchong,	1,380,429	do.	18		248,477 22
Hyson,	952,482	do.	32		304,794 24
Other green,	2,295,509	do.	20		459,101 80
Extra duties on teas imported from other places than India,					225 88
	6,178,151				$1,197,966 86

(*g*) ALL OTHER ARTICLES.

	QUANTITIES. Excess of importation over exportation.	QUANTITIES. Excess of exportation over importation.	Rate of duty cts.	Excess of duties over drawback.	Excess of drawback over duties.
Domestic spirits, galls.	191		7	13 37	
Beer,	189152		8	15132 08	
Cocoa, pounds.	1026436		2	20528 72	
Chocolate,	2882		3	86 46	
Sugar-candy,	3185		11½	366 27	
loaf,	34834		9	3135 06	
other refined,	186280		6½	12108 20	
Almonds,	560253		2	11205 06	
Prunes and plumbs,	72934		2	1458 68	
Currants,	321424		2	6428 48	
Figs,	90443		2	1808 86	
Raisins in jars, and muscadel,	367738		2	7354 76	
other, pounds.	1308896		1½	19633 44	
Candles tallow,	150028		2	3000 56	
wax,	5462		6	327 72	
Cheese,	150310		7	10521 70	
Soap,	124132		2	2482 64	
Tallow,	1429503		1½	21442 54	
Mace,		2088	125		2610 00
Nutmegs,		2786	50		1393 00
Cinnamon,	1254		20	250 80	
Cloves,		9582	20		1916 40
Pepper,	426024		6	25561 44	
Pimento,	372818		4	14912 72	
Chinese cassia,	61707		4	2468 28	
Tobacco manufactured other than snuff & segars,		815	6		48 90
Snuff, pounds.	15969		10	1596 90	
Indigo,	155792		25	38948 00	

(g) ALL OTHER ARTICLES, CONTINUED.

	QUANTITIES.						
	Excess of importation over exportation	Excess of exportation over importation.	Rate of duty cts.	Excess of duties over drawback.		Excess of drawback over duties.	
Cotton,		59623	3			1788	69
Powder hair,	6755		4	270	20		
gun,	201899		4	8075	96		
Starch,	19125		3	573	75		
Glue,	70139		4	2085	56		
Pewter plates and dishes,	52621		4	2106	04		
Anchors and sheet iron,	846008		1	12690	12		
Slit and hoop do.	834200		1	8342	00		
Nails,	3072238		2	61444	76		
Spikes,	284742		1	2847	42		
Quicksilver,		17284	6			1037	04
Ochre yellow in oil,	23072		1½	346	08		
dry yellow,	202019		1	2020	09		
Spanish brown,	754785		1	7547	85		
White and red lead,	2491790		2	49835	80		
Lead and manufactures of lead,	2000897		1	20008	97		
Seines, pounds	9018		4	360	72		
Cordage tarred,	492478		2	9849	56		
untarred,	73161		2½	1819	02		
Cables,	71231		2	1424	62		
Steel, cwt.	10604		100	10604	00		
Hemp,	131886		100	131886	00		
Untarred yarn,	2		225	4	50		
Twine, &c.	3399		400	13596	00		
Glauber salts,	144		200	288	00		
Coal, bushels.	569425		5	28471	25		
Fish, dried or smoaked ql.	160167		50	80083	50		
pickled salmon, bbl.	7180		100	7180	00		
mackarel	11365		60	6819	00		
all other,	12535		40	5014	00		
Glass, black quart bottles, [groce.	15444		60	9266	40		
window, not above 8 by 10, 100 sq. ft	18953		160	30324	80		
10 by 12,	1859		175	3253	25		
all above 10 by 12,	3842		225	8644	50		
Segars, M.	27211		200	54422	00		
Lime, casks.	131		50	65	50		
Boots, pairs.	2655		75	1991	25		
Shoes, silk,	14016		25	3504	00		
kid, morocco, &c.	36055		15	5408	25		
all other,	10011		10	1001	10		
Playing cards, packs.	5814		25	1453	50		
				816432	16	8794	03

807638 13

(C. 1.)

Lands sold in the districts mentioned, from October 1, 1807, to September 30, 1808, with receipts from individuals, and payments made by receivers during the same time, with the balance due on October 1, 1807, and October 1, 1808.

OFFICES.	LANDS SOLD.		*In hands of receivers, 1st October, 1807.*	*Due by individuals 1st October 1807.*	RECEIPTS BY RECEIVERS FROM INDIVIDUALS.	
	Acres.	*Purchase money.*			*On account of purchase money.*	*On account of forfeitures.*
Marietta,	1,236 58¼	2,473 16½	4,554 41	21,482 73½	8,011 58½	
Zanesville,	22,560 25	45,120 50	8,791 98	179,530 67¼	39,749 35	59 51
Steubenville,	24,207 05	69,666 56	61,804 30	436,646 91¾	130,453 62	790 08
Canton,	21,608 19	46,263 35			11,764 83½	157 76
Chilicothe,	19,028 40½	40,890 79½	59,778 56	364,415 68½	116,930 19½	1,117 91½
Cincinnati,	51,460 96	104,370 46	112,357 86¼	1,086,060 47¼	201,171 13½	913 81
Do. town lots,	13 00	10,794 00			3,108 19	10 00
Vincennes,	22,950 90	45,901 80	26,507 13½	65,169 94¼	14,560 49	32 00
Jeffersonville,	32,513 88	67,963 91			19,328 55	48 00
	195,579 21¾	433,444 54	273,794 24¾	2,153,306 42¾	545,077 95	3,129 07½

(C 2)

OFFICES.	PAYMENTS BY RECEIVERS. *Into Treasury.*	*The part which was for expences.*	*Repayments.*	BALANCE DUE 1st OCTOBER, 1808. *From individuals.*	*By receivers.*	*Total balance due 1st October, 1808.*
Marietta	12,565 87	619 52		15,944 31½	12½	15,944 44
Zanesville	46,742 83	1,665 99		184,901 82½	1,876 01	186,777 83¼
Steubenville	159,864 41	5,555 33	35 08	375,859 85¾	33,149 51	409,009 36¾
Canton	1,291 94¼	1,291 94½	48 00	34,498 51½	10,582 65	45,081 16½
Chilicothe	123,974 25½	4,260 18½	357 00	288,376 28½	53,495 41½	341,871 70
Cincinnati	205,030 63	6,976 90	1,948 17¾	989,259 79¾	110,582 19	1,099,841 98¾
Do. town lots				7,685 81		7,685 81
Vincennes	32,953 40	2,529 87		96,511 25¼	8,146 22½	104,657 47¾
Jeffersonville	1,968 95¼	1,968 95¼		48,635 36	17,407 59¼	66,042 95¾
	A 584,374 29¼	24,868 74¼	2,387 25¾	2,041 673 01¾	235,239 72¼	2,276,912 74

TOTAL SALES OF LAND.

	Acres.	*Dollars.*
From the opening of the land offices to the 1st October, 1807. -	2,669,994 25½	5,547,865 8
Amount sold since, as above, - - - -	195,579 21¾	433,444 54
Total.	2,865,573 47	5,981,310 37

(C. 3.)

ESTIMATE *Shewing when the instalments which compose the balance due from individuals will become payable.*

OFFICES.	*Remaining due in* 1808.	*Becoming due in* 1809.	*Becoming due in* 1810.	*Becoming due in* 1811.	*Becoming due in* 1812.	*Total balance.*
Marieta,	4926 64	4889 57½	4018 88	1490 93	618 29	15944 31¼
Zanesville,	41433 78½	66371 13	46925 04	24011 47	6160 40	184901 82½
Stubenville,	120082 27¾	148871 10	66815 56	26112 71	13978 21	375859 85¾
Canton,			11046 85½	11725 83	11725 83	34498 51½
Chilicothe,	84601 76	121996 53	54595 52	22533 27½	4649 20	288376 28½
Cincinnati,	334849 07 3	290986 20	216386 14	125516 52	21521 86	989259 79¾
Do. town lots,			2288 81	2698 50	2698 50	7685 81
Vincennes,	923 51¼	18663 49	34528 69	34528 69	7866 87	96511 25¼
Jeffersonville,			14653 42	16990 97	16990 97	48635 36
Total,	586817 05¼	651778 02½	451258 91½	265608 89½	86210 13	2041673 01¾

A. Paid into the treasury in stock transferred to the United States,			996 35
Ditto in specie by warrants on receivers,			
For payments made by themselves,	537,074 58		
For payments made by individuals,	28,917 89		
		565,992 47	
Payments by receivers to be covered by warrants,		22,732 76¼	
		589,721 58¼	
Monies paid by individuals to the treasurer of the United States in the year ending 30th September, 1800, included in the above amount of warrants "for payments made by individuals, but not yet stated in the accounts of receivers,"		5,347 29	
		584,374 29½	

Treasury Department, November, 1808.

Note. The latest returns from Zanesville are to 31st July.

(C. 4.)

STATEMENT

Lands sold in the Missisippi Territory, from the time of the last report, to the period of the latest returns received with the receipts from individuals, and payments made by receivers during the same time, with the balance due.

OFFICES.	LANDS SOLD.		*In hands of receivers per last statement.*	*Due by individuals per last statement.*	RECEIPTS BY RECEIVERS FROM INDIVIDUALS.	
	Acres.	*Purchase money.*			*On account of purchase money.*	*On account of forfeitures.*
West of Pearl river,	13,819 90	27,639 80	25,636 08	105,726 00	6,909 95	. . .
East of Pearl river,	4,073 00	8,146 00	1,885 94	6,187 50	2,036 50	. . .
	17,892 90	35,785 80	27,522 02	111,913 50	8,946 45	. . .

OFFICES.	PAYMENTS BY RECEIVERS.		BALANCE DUE.		*Total balance due.*	*Date of the latest returns.*
	Into treasury.	*The part which was for expenses*	*By receivers.*	*From individuals.*		
West of Pearl river,	29,691 58½	672 72½	2,854 44½	126,455 85	129,310 29½	1808, July 31.
East of Pearl river,	1,756 26	1,756 26	2,166 18	12,297 00	14,463 18	
	A 31,447 84½	2,428 98½	5,020 62½	38,752 85	143,773 47½	

(C. 3.)

(C. 5.)

ESTIMATE

Shewing when the Instalments which compose the Balance due from Individuals become payable.

OFFICES.	*Becoming due in* 1809.	*Becoming due in* 1810.	*Becoming due in* 1811.	*Becoming due in* 1812.	*Total Balance.*
West of Pearl river,	35019 50	42263 20	42263 20	6909 95	126455 85
East of Pearl river,	2062 50	4099 00	4099 00	2036 50	12297 00
	37082 00	46362 20	46362 20	8946 45	138752 85

TOTAL SALES OF LAND.

	Acres.	*Dollars.*
From the opening of the land office to the period of the last report.,	74831 50½	149663 01
Amount sold since, as above, - -	17892 90	35785 80
TOTAL, - - -	92724 40½	185448 81

A. Paid into treasury by warrants on receivers,		
For payments made by themselves,	34195 82	
For payment made by an individual,	320 00	
		34515 82
Monies paid by receivers in the year ending 30th September, 1808, included in the above amount of warrants, but not yet stated in the accounts of receivers,		3067 97½
		31447 84½

(D.)

AN ESTIMATE

Of the Principal redeemed of the Debt of the United States, from the 1st of October, 1807, to the 30th September, 1808, shewing the redemption of the Principal of the said Debt, from the 1st of April, 1801, to the 30 September, 1808.

I. ON ACCOUNT OF THE DOMESTIC DEBT.		*Redemption from 1st Oct. 1807, to 30th Sept. 1808.*	*Redemption from 1st of April, 1801, to 30th of Sept. 1807.*	*Total principal redeemed from 1st April, 1801, to 30th Sept. 1808.*
Amount of warrants issued on the Treasurer of the United States, on account of the interest of the domestic debt, of the reimbursement of the old six per cent and deferred stocks, and of the purchase of the eight per cent and exchanged six per cent stocks, from the 1st of Oct. 1807, to the 30th Sept. 1808, exclusive of $320 $\frac{78}{100}$ repaid into the treasury, was	$4,895,437 18			
Deduct interest which accrued during the same period calculated quarter yearly,	2,596,368 65			
And loss on the purchase of stock,	5,229 03			
	2,601,597 68			
Reimbursement of the navy six per cent stock,		2,293,839 50	9,375,893 80	11,669,733 30
Ditto five and a half per cent stock,			711,700 00	711,700 00
Ditto four and a half per cent stock,			1,847,500 00	1,847,500 00
Payments made in certificates of the debt of the United States, on account of lands,		1,011 34	176,000 00	176,000 00
made to foreign officers and for certain parts of the domestic debt,		49 20	267,229 36	268,240 70
on account of domestic loans,			76,477 86	76,527 06
			3,440,000 00	3,440,000 00

II. ON ACCOUNT OF THE FOREIGN DEBT.			Oct 1807, to 30th Sept 1808.	April, 1801, to 30th Sept. 1807.	ed from 1st April, 1801 to 30th Sept. 1808.
Total, on account of Domestic Debt brought over,			2,294,900 04	15,894,797 02	18,190,701 06
The amount of warrants issued on the treasurer, exclusive of $2,366 70 repaid into the treasury, and $665 80 commissions to agents purchasing bills of exchange, was		790,145 23			
Add this sum, being a balance unapplied of a remittance to the bankers in Amsterdam, for the purchase of books for congress, and which is by warrant transferred to the account of the foreign debt,		488 60			
		790,633 83			
Deduct interest accruing thereon, viz.					
On the Dutch debt, including commissions and charges,	24,280 00				
Louisiana six per cent stock, including commissions,	677,121 28				
Exchanged six per cent stock, (interest payable in Europe)	7,592 07				
Converted six per cent stock, (interest payable in Europe)	15,757 84				
	723,751 19				
And loss on exchange,	26,680 84				
		750,432 63			
			40,201 80	9,987,294 69	10,027,496 49
			2,335,101 84	25,882,091 71	28,217,197 55

II. ON ACCOUNT OF THE FOREIGN DEBT.

Oct 1807, to 30th April, 1801, to 30th ed from 1st April, 1801

MISCELLANEOUS ARTICLES.

MISCELLANEOUS ARTICLES.

A BRIEF ACCOUNT OF THE PROCEEDINGS OF THE COMMITTEE APPOINTED IN THE YEAR 1795, BY THE YEARLY MEETING OF FRIENDS OF PENNSYLVANIA, NEW-JERSEY, &c. FOR PROMOTING THE IMPROVEMENT AND GRADUAL CIVILIZATION OF THE INDIAN NATIVES.

The committee, after freely conferring on the objects of their appointment, and carefully considering the means most likely to promote them, believed it proper to learn the disposition of the various tribes in the vicinity of this state, and prepare their minds for the reception of the intended aid. With this view circular letters from the committee were, in 1796, addressed to various tribes, accompanied with one from the secretary of state, expressive of the approbation of our prospects by the executive of the United States. These letters in a guarded manner communicated to the Indians our intention of aiding and encouraging such as should early apply to us. The Oneidas, and those Indians settled on the Oneida reservation, comprehending the Stockbridge, and a part of the Tuscaroras, were the only tribes who, at that time, appeared willing to be instructed in husbandry, &c.

In the summer of 1796, three friends, approved by the committee, settled among the Oneidas: they were accompanied by a few of the members, who made sundry propositions which they thought most likely to stimulate and encourage the Indians to cultivate their land. To these the nation generally agreed; but it was soon found the Indians, with a very few exceptions, were not only unaccustomed, but averse to labour; those who began to work grew weary of it, and gave out. The friends then proceeded to improve a piece of land without assistance from the natives, hoping some of them would be induced to follow the example: they also repaired and worked a saw-mill belonging to the Oneidas, and several of the Indians acquired a competent knowledge of that business.

They opened a school for the instruction of the children the

succeeding winter, and continued it through every winter whilst they resided amongst them.

An Indian, well qualified by an education in New-England, taught the Stockbridge children, and was allowed a salary by the committee, for several years.

In 1797 but little improvement was made by the Oneidas, sickness prevailing much among them, which the friends did not wholly escape, yet they were enabled to instruct and assist the Stockbridge Indians in erecting a grist-mill.

They also distributed a considerable number of implements of husbandry among the Onandago and Cayuga nations.

In the spring of 1798 one of the friends being disqualified by sickness for much labour, a proposition was made to hire some Indians to assist in improving the land allotted for a farm; but they were so irregular in working that the plan was abandoned; some days near thirty would come to work, and other days scarcely one was to be had. They therefore engaged a number of lads and young men whom they boarded, and allowed a reasonable compensation for their labour. At this time some improvement had taken place; many of the Indian men would assist their wives in working their little lots of land; but they experienced some difficulty from the want of a blacksmith to make and repair their farming tools. A friend well qualified to instruct them in that business, offering his service to the committee, it was accepted; and his wife being disposed to go with him, another woman friend who also felt a concern to go, was encouraged to accompany her; under a hope that the two women friends might be usefully employed in instructing the Indian women and girls. A commodious dwelling-house, barn, &c. were built this year on the farm, and the Indian lads and young men were usefully employed in cultivating it; a large quantity of grain, hay, &c. was raised therefrom, affording ample proof to the natives of the beneficial effects of cultivation. Several of them acquired considerable knowledge of the blacksmith business, and many of their young women and girls were instructed in spinning, knitting, sewing, school-learning, &c.

In the year 1799 several of the Indians improved lots of land for their own benefit, which they sowed with wheat. The smiths business continued to be attended to, and friends with the aid of the Indian lads continued to work their farms; nor were their exertions either during this, or any former year, confined to their immediate residence, but as opportunities for usefulness presented, they extended their labours to the various parts of the settlement, and afforded assistance many ways, as the necessities of the natives seemed to demand.

It may be proper here to remark that some suspicion and mistrust of friends views, became manifest in several of the Indians; they knew that the improvements made, and the various tools and implements of husbandry distributed among them, must have cost a large sum of money; and they knew of no instance where white people had stepped for-

ward in such a manner to assist Indians, but what sooner or later an interested motive discovered itself; therefore some had fears it was meant to make a permanent establishment among them, and lay claim to a part of their land.

Believing the instruction already afforded this people was such that they were enabled to procure a comfortable subsistence, it was concluded to withdraw from them; and that leaving all the improvements, tools and implements of husbandry for their use and benefit would be a convincing testimony among the various tribes of Indians, that their good was our motive for thus liberally aiding them.

Therefore, in the Ninth month, 1799, four of the committee went to Oneida, and after some friendly conferences, closed the affairs relating to the settlement there. The Indians on this occasion expressed themselves as follows, in reply to a written address:

"Brothers Onas attend,

"We know you told us you came not amongst us to make us presents that would soon wear away, but to stay some time to instruct us how to gain a comfortable living by tilling the ground, as the white people do; now you have staid the time you proposed, and have fulfilled all your engagements to our nation, and we hope we shall follow the good example you have set before us, which we know would be of lasting benefit to us, and thankfully acknowledge your kindness, having never heard of any people that had done so much for Indians without any view of advantage to themselves, which is a convincing proof to us that you are our real friends; and we are glad the Good Spirit has put it into your minds to assist others of our Indian brethren, in learning the same good way of living for which we also thank you, as well as for the good advice you gave us about the strong drink; and we will try all we can to persuade our young men to do better.

"And now brothers, if we have done any thing that displeases you, we wish you would tell us, that our friendship may remain bright, for we know you are a true people, and we will keep this writing, and will tell our young men and children every year, that they may always remember your friendship; and we wish you may often remember and visit us, to see whether we grow better or worse."

In addition to the assistance offered to these people at their own settlement, several of their girls and young women were brought into the neighbourhood of Philadelphia, and placed in friends families, where, besides learning to read and write, they received such other instruction as was likely to be most useful to them on their return home: they were from the three nations of Stockbridge, Oneida, and Tuscarora.

A letter from one of these young women, written by herself, in the 9th month, 1803, to one of the women Friends who had resided at Oneida, contains the following:

"I have spun some flax and woole since I came home, and made some cheese, to show our Indians how to make cheese, they been very much pleas'd to know how to make cheese, some said

they never thought Indians could make cheese so well. They been try to keep thear cows ever since to make cheese, and butter, some of them begin to sewe some flax, and good many of our Indian got sheepe, and they found very good to keep sheep, meat good to eat, and wool good for cloth. I hope we will do better every year, good many has left of drinking, and some of them drink very hard yet. I have been to see Oneidas, not longe go; I found they improve very much since thee come away, good many has new frame houses and frame barns, they improvese very much ever since they left of drinking. I believe three hundred of man and women both left of drinking this some time; I hope they will keep their words good," &c.

The beneficial effects of the labours at Oneida, having been observed by the Seneca Indians, it opened the way for an introduction among them; and friends were invited into their country. Three Friends who offered their services to go and instruct them, being accompanied by two of the committee, arrived in the 5th Month 1798, at the Indian towns on the Alleghany river, where they met with a friendly reception.

A general council was called, and the motives of the visit were explained. The Indians expressed their thankfulness to the great Spirit, for Friends safe arrival amongst them, but queried how Indians could learn to plough, and do what was proposed, seeing they had no horses or oxen, and were poor, living in cabins covered with bark. Friends told them, great matters were not expected at once, but it was wished they would make a beginning; that they had two horses, which perhaps might be taught to draw a plough: and as they had an annuity paid them by the United States, they might save some of it to buy oxen; and then allusion was made to their great intemperance, many, both men and women, having been seen intoxicated.

At another council, Cornplanter, their chief, made a speech, of which the following is an extract.

"Brothers the Quakers,

"Listen now to what I am going to say to you; you know, brothers, the red people are poor, they are not like the white people, the Great Spirit has made them of another language; so that it is very hard for us to understand one another plainly.

"Brothers, we suppose the reason you came here, was to help poor Indians some way or other; and you wish the chiefs to tell their warriors not to go on so bad as they have done; and you wish us to take up work like the white people. Now, brothers, some of our sober men will take up work and do as you say, and if they do well, then your young men will stay longer, but some others will not mind what you say.

"Brothers, we cannot say a word against you, it is the best way to call Quakers brothers; you never wished any part of our lands, therefore we are determined to try to learn your ways; and these young men may stay here

two years to try, and then if they like it, and we like it, your young men may stay longer.

In reply, they were informed that our young Friends must have some place to live in, and a piece of land to work, in order to set them an example, and raise bread for themselves to eat; but that the land should still be theirs; and all the improvements put upon it, should also be theirs, when it was left. Further, that a number of hoes, axes, scythes, several sets of plough irons and other farming implements; also carpenters', masons', and coopers' tools were coming up in a boat, which were intended for the general use of the settlement, and would be placed under the care of the young men, to lend to such Indians as wanted to use them, and although they would be left with them, and never taken away by us, yet we did not think it prudent to distribute them as a gift at present; for they knew some of their people were not very good, and such might pawn or sell them for whiskey, and then they would be as bad off as they were before.

After looking about the country, Friends fixed on an ancient village called Genesangohta as the place of their residence; a few Indian families live there; it is situate near the line dividing New York from Pennsylvania, and nearly in the centre of the Indian settlements on the Alleghany river; many living from five to ten miles above, and their largest town called Jeneshadago is nine miles below.

At a conference with the natives previous to the two members of the committe returning home, among other things, the oppressive labour required of their women, was laid before them, that it was not right to suffer their women to work all day in the fields and woods, either in cultivating with the hoe all that was raised for their subsistence, or getting fire-wood and bringing it home on their backs, whilst the men and and boys were at the same time amusing themselves with shooting arrows from their bows, or some such diversions.

They were recommended to begin our way, and take their boys out to hoe, &c. reminding them it was from the Good Spirit they and we received every good thing; that they were equally, with the white people, objects of his tender care and regard; and that the great disparity they so frequently spoke of between themselves and the white people, with regard to poverty and plenty, was the natural result of the different plans pursued to obtain the blessings of this life; and as their ground was equally good with that possessed by the white people, it would also be equally productive, if the same industry and methods of farming were pursued.

In a letter from the Friends residing among the Indians, dated 1st Month, 1799, they mention that several of the young men manifest some willingness to labour; and that in the preceding fall, they had employed one to work awhile with them. A school was kept this winter which was attended by a few children.

In a letter from one of the Friends dated 3d Month, 1799, he mentions that the Indians were very desirous to build

themselves better houses, our Friends having erected a good log house, covered with shingles; and further, that three old Indian men, with their assistance and instruction, very soon learned to make shingles.

In the 9th Month of this year, four of the committee visited this settlement, one of whom had been there in the spring of last year when Friends was first introduced into this country, and consequently was enabled to form a correct opinion of the improvements made. Several of the Indians were building good log houses, which were either roofed or intended to be roofed with shingles. Their crop of corn was much larger than what they raised when friends went there; and several small lots of land were under good fence. A council being convened, a speech was made to the Indians of which the following is an extract:

"Brothers,

"It has afforded us satisfaction in passing through your town, to notice marks of industry taking place; that you are building better and warmer houses to live in, and that so much of your cleared land is planted with corn, beans, potatoes, &c. and to see these articles kept in good order.

"Brothers, we observe where your new houses are building, that the timber is very much cut off a rich flat, which we wish you encouraged to clear and make fit for ploughing; we hope more of your men will assist in clearing and fencing land, and planting it with corn: also sowing it with wheat; you will then have a supply of provision more certain to depend upon than hunting.

"Brothers, we are pleased to see your stock of cattle encreased; the rich bottoms on the river will be plenty for them to live on in the summer season; but as your winters are long and cold, it will require something for them to live on in the winter. The white people keep their cattle on hay, on straw, and on corn fodder. Straw you cannot get until you raise wheat or other grain; the rich bottoms, if put in order, would produce a great deal of hay. But for an immediate supply, we think, as soon as you gather the corn, if you would cut the stalks close at the ground, bind them up in small bundles, and put them in stacks as our young men do, they would keep your cattle part of the cold weather.

"Brothers, we are pleased to see a quantity of fence made this summer, and we would not have you discouraged at the labour it takes; for if you will clear a little more land every year, and fence it, you will soon get enough to raise what bread you want, as well as some for grass to make hay for your cattle in winter.

"Brothers, we understand you are desirous to discourage whiskey from being brought among you, with which we are much pleased, and should be glad you could entirely keep it away: to get it you give your money with which you should buy cloathing, oxen," &c.

The Indians were also informed that one of the young men who had been there since the settlement was first formed (about sixteen months) appeared most easy to leave them and return to his friends before winter; they ho-

ped another would offer to supply his place.

Cornplanter, on behalf of the nation, made a reply in substance as follows:

"That when our young friends first settled among them, many of his chiefs were averse to it; they had this summer several councils among themselves respecting the young men, and all the chiefs seeing their good conduct and readiness to assist Indians, were now well satisfied. He hoped several of his young men would do more at farming than heretofore, and friends must not get discouraged because so little was done; but exercise patience towards them, as it was hard for them to make much change from their ancient customs. He regretted the loss of the friend who expected to leave them soon; he said he had been useful to him in keeping whiskey, and other strong liquor out of the town; that they now drank much less than formerly, but feared when the friend was gone he should not keep it away so well as he had lately done."

The Indians had not yet raised wheat or other small grain, nor begun to use a plough.

Friends went from this settlement to the Catarogus river, distant about forty-five miles, where a large number of Senecas reside, who had requested a set of saw-mill irons and other aid. The chiefs being generally from home, a letter was left with a white man at Buffaloe, who has been adopted into their nation, informing them that a set of saw-mill irons would be given them when they were prepared to build a mill; and if they left off their very intemperate use of strong drink, it might be some encouragement to help them further.

In the latter part of this year, Cornplanter accompanied the friend who was returning home, as far as Canandaiqua, where the superintendant of Indian affairs resided; at this place he dictated a letter to one of the committee; the superintendant wrote it, and Cornplanter signed it with his mark. The following is an extract therefrom:

"I thank the Great Spirit for his protection in preserving me and my friend who I have accompanied to this place. I hope the Great Spirit will still preserve my friend on his journey to Philadelphia; and every evening, when night shall overtake him, the Great Spirit will spread over him a curtain of safety, that he may again meet the society that sent him among us for the purpose of teaching us the useful arts of the white people; and to return them my thanks for their kind offices which they are disposed to bestow on us. I cannot omit this favorable opportunity to inform you that I believe the friends who have been placed at the Alleghany, have discharged the trust committed to them, in endeavouring to do for us the best that they could for our advantage. Dear friend, when I first heard your voice and learned your kind offers to us, I was pleased, as I thought we were apt to transgress the good rules of the Great Spirit; and by the aid and advice of your people, the Great Spirit would lend us his aid, in which we might become a better people; and hope you will not be discouraged in still aiding us, al-

though we make slow progress in the arts of the white people."

In the Twelfth month, the Indians at Catarogus sent a reply to the letter which our committee left for them: they say,

"The instructions that you gave, pleases us very much in general; you may rely upon it that we are going to follow your directions; we have fully determined to leave off drinking whiskey, and if there comes traders on, we have determined to order them off the ground.

"Friends quakers, we hope you will keep your minds strong as you was at first, and we return you great many thanks for the kindness you have done already."

A school was kept during the winter, but attended by only a few children.

In the summer of 1800, another of the friends left this settlement; two of those who had resided at Oneida, having previously gone there, the Indians made some improvement this year. A pair of oxen which they purchased were found very serviceable in drawing fire-wood, &c. As yet they had not begun to plough. A small school was again attended to, but the Indians not promoting the attendance of their children, no regular school was afterwards kept, but instruction afforded to several of the children at convenient opportunities.

The friends settled at Genesangohta, in a letter dated Eighth month, 1801, mention, "It is apprehended that a much greater proportion of useful labour has been performed the present season, on this river, than has heretofore been done in the same space of time; and the prudence manifested amongst the natives in expending the present year's annuity, affords encouragement to hope, that the labour and concern of society for their welfare, will not be fruitless: divers have purchased cows, &c. for the use of their families. The Indians belonging to the upper settlement on the river, have reserved money sufficient to purchase a yoke of oxen; some others are about to train young cattle for work, of their own rearing. The increasing attention that prevails amongst them in rearing cattle, hogs, &c. affords a prospect that they will, ere long, have a sufficient number of useful animals: several are preparing ground in order to sow wheat, and expect to have it in readiness this season.

In the Ninth month of this year, three of the committee visited the settlement, being accompanied by a young friend, a blacksmith, who went to instruct some of the Indians in that useful and necessary occupation. Two of the visitors had been there before. The preceding spring the Indians first began to use a plough; the men performed the labour with a little instruction and assistance from friends; they took a very cautious method of determining whether it was likely to be an advantageous change for them or not; several parts of a very large field were ploughed, and the intermediate spaces prepared by their women with the hoe, according to ancient custom; it was all planted with corn; the parts ploughed, besides the great saving of labour, produced much the heaviest crop, the stalks being more than a foot higher and

proportionably stouter than those on the hoed ground. The corn was now ripe and gathering in, and as their stock of cattle was much increased, instead of letting the stalks and leaves perish on the ground as heretofore, they preserved them for winter fodder; several of them had mown grass, and made small stacks of hay; they had made a fence about two miles long which incloses the lower town and a large body of adjacent land fronting on the river; also several other fences within it, to seperate the corn ground from the pasture, &c.

The cabins which they used to live in, were generally either gone to decay or pulled down; most of them had built good log houses with shingled roofs, and some of them with stone chimneys.

With the exception of houses and fences, the improvements at Jeneshadago did not bear a comparison with the upper settlements, where the Indians live more scattered. Their thus settling separate and detached from each other, was already manifestly more to their advantage than living together in villages; a chief who is not ashamed to be seen at work by the women of his own family, would probably be much mortified, were he discovered by a number of females, who, on such occasions, do not always refrain from ridicule; yet this false shame on the part of the men, and ridicule of the women, is wearing away in proportion as they become familiarized to each others assistance in their little agricultural labours.

Friends requested a council with the chief women of the Jeneshadago town, which was readily granted, when they were favoured to make some communications pertinent to their situation. The women expressed their thankfulness to the Great Spirit for affording them this council; the words, they said, had sunk deep into their hearts, and they hoped would never be forgotten by them. Cornplanter and his brother Conedieu were present.

The Indians were become very sober, generally refraining from the use of strong drink, both at home and when abroad among the white people. One of them observed to our committee, "No more bark cabin, but good houses; no more get drunk here now this two year."

It was discovered that a little uneasiness or suspicion, was entertained by some Indians, fearing we might at some future time bring a charge against them for the services we had rendered and were rendering. After the first council was held with them, and the blacksmith introduced, with a request that two of their young men would learn the trade and become qualified to do their own work when our friend left them, as it was not probable he would stay very long. They withdrew to hold a private council to confer on the proposition, from which they sent their interpreters with the following message or queries to Friends.

"Whether we should at some future time demand from them land or money for the services which we had done, and were doing for them? That now they had but little land left, and if we should demand money, we knew

they were poor and could not pay much.

They wished to know very clear in writing about it, and would wait till the writing was ready; also whether we would leave the tools for the young men who might learn the blacksmith trade, when the blacksmith went home; or whether we would take them away:

To which the following answer was sent in writing.

"Brothers,

"We tell you now plainly as we told you before, that your brothers, the quakers, do not want any of your money, or any of your skins, or any of your land, for any thing they have done for you, and that they never will bring any charge against you for any of these things; and we give you this writing to keep for ever, to make your minds perfectly easy in this respect. About the smiths tools, we cannot say much, but think we shall leave them all with you, if some of your young men will learn the trade."

At a council held with them after this writing was given, they said,

"Brothers,

"We understand the writing which you gave us very well, and our minds are now quite easy; two of our young men will learn the smiths trade, one from the lower town, one from the upper town."

Friends informed them they were rejoiced to find they had quit drinking whiskey and other strong liquors; and as they had held fast this good resolution so long, hoped they would continue to refrain from using it; for they must see the good effects of keeping sober, and having persons to instruct them; that when our friends came here they had poor houses, many of them bark cabins, and no fences. Now they had, most of them good warm houses, and many of them had good fences round their lots; some had stacks of hay for winter fodder; and a few had cleared land and sowed it with wheat and other grain. Also, that their cattle were much increased, all which afforded great satisfaction.

It was supposed the quantity of corn, &c. raised this year, was nearly ten-fold what it was when the settlement was first formed. This fall a few of the Indians made the first attempt to raise wheat. It may be proper here to remark that those who did something at farming, occasionally went out hunting, and many of the men adhered to the ancient customs, and left the women of their families to cultivate with the hoe, what corn, &c. was needful for their subsistence.

Friends went from this place to Catarogus; they had been requested by the chiefs of that village to pay them a visit, as their saw mill was just finished; they had found some difficulty in settling with the millwrights, and desired assistance to accomodate it. That as one of the friends who resides at Genesangohta, was acquainted with working a saw mill, they wished him to come and remain with them till he had instructed one of their people to take charge of the mill. When friends reached Catarogus, the Indians were engaged in performing one of their worship dances, who retired very quietly to their respective habitations early

in the evening, and collected again on the like occasion in the morning.

The chief difficulty between them and the millwrights was removed, and some smaller matters were put in a train of amicable adjustment. The friend they requested, agreed to remain with them awhile, and to instruct one or more of their people how to work the mill.

The following is an extract of the speech of their chief warrior on behalf of the nation:

"Brothers,

"You have come at a time which has by us been previously set apart for performing worship to the Good Spirit, after our ancient customs. It is our way of worship, and to us solemn and serious, and not to be made light of; however different it may be from your mode, it is after the manner our forefathers have taught us. We hope you will excuse us for not being so attentive to you as we could wish, and would have been, had we not been thus engaged.

"Brothers, we thank the Great Spirit for preserving you thus far on your long journey, and hope he will conduct you safely home, and favor you to meet with your women, children, and friends in health: we shall often think of you whilst on your journey, and desire you to inform your chiefs at home, that we are thankful for the sawmill irons, hoes, axes, ox-chains, &c. which they have given us.

"Brothers, we hope we shall give more attention to farming than we have hitherto done; we thank you for your advice about the sawmill, and for your friend's consenting to remain with us awhile, to teach some of our people to work the mill."

By a letter from Friends at Genesangohta, dated 1st Month, 1802, it appears three young Indians discovered a willingness, and began to work at the smith's trade in the 11th Month: two of them have been steadily engaged most of the time since, and for so short a period, have made considerable improvement; also that the Indians at Catarogus make out pretty well in working their sawmill.

The following paragraph is extracted from a letter written in the same month to one of the committee: "Several families have got to the number of six and seven head of cattle, with other useful animals, who had not any when this settlement was first made, owing as they now tell us, to their great excesses in the use of whiskey, which at present seems much declined; not any is knowingly suffered to be brought into the settlements on this river: and if any are found out to have been overtaken with it, when among the whites, they are sharply reprimanded and exposed by the chiefs at their return. This has nearly the same effect amongst Indians, as committing a man to the workhouse among white people."

In a letter dated 5th Month 30th, to the committee, they say, "The present season has furnished rather greater marks of encouragement than has heretofore been discovered amongst the natives: considerable advancement is making in the different settle-

ments on this river, in works of industry and usefulness. Eighteen or twenty thousand rails have been split and put up by the natives this spring; and thirteen or fourteen new lots enclosed; most of which have been cleared the present season."

The Indians of this and the upper settlement, have opened a very commodious road from this place, for about five miles up the river: before this road was opened the way was difficult for man or beast to pass. Several have sowed lots of spring wheat. A number of the young men belonging to Cornplanter's town, have become quite capable of doing their own ploughing. The resolution against the introduction of strong liquor continues to be supported, and it is said the Indians of Buffaloe creek, have also made some stand against it. About the end of this year the smith returned home.

In the 9th Month 1803, four of the committee again visited the settlement; besides inspecting into the state of Indian improvements, &c. they were authorised to make a change in the manner of conducting the affairs there. Some of the Indians had encreased their stock of cattle faster than their means of subsisting them through a long and rigorous winter; when their hay and other fodder became much reduced, they applied to Friends to give them some: these requests could not be complied with to an extent proportioned to their necessity, without reducing the Friends to a like state of want; and fearing lest in future winters a renewal of similar requests, without the means of satisfying them, might disturb that harmony which had hitherto subsisted between us and the Indians, it was believed safe to embrace the opportunity which now offered of purchasing from a company of white people, an adjoining tract of land, and settling our friends thereon.

When the committee arrived there, they learned that at a late council, the Indians delivered a speech to our friends, expressing their willingness to a removal, but were desirous it should not be far up the river.

After fixing with the Indians the time for a general council to convene, Friends examined what improvements had been made by them; and also went to view the land on a creek called Tunesassah, which falls into the Alleghany river on the east side, about two miles above Genesangohta. Although it was not within the bounds offered us for sale, yet as it belonged to the same company, no doubt was entertained but it could be procured; the stream was found sufficient to work a mill, and it was believed a very good farm might be made there, the situation for our purposes being superior to any in that neighbourhood. The following is the purport of what passed at the council which was held at Genesangohta:

"Brothers,

"We wish you to speak your minds to us quite plain, and if there is any thing which does not feel easy to you, that you will tell it to us.

"Brothers, we have seen the speech made by you, at one of your late councils, to our Friends, by which we understand you leave

them at full liberty to move up the river to settle on land joining to yours.

"Brothers, since we came here we have been viewing the land, and think if we can purchase a piece on Tunesassah creek, joining to yours, it will be a suitable place for our Friends to settle upon; they will then still be among your settlements.

"Brothers, when our Friends first came to settle among you, we told you the tools then brought, should be for your use, to be lent among such of you as wanted to use them; they have been so lent, and we have sent others for our friends to use; when our friends remove, such of the first parcel of the tools as remain with them will be left with your chiefs to be lent out for the good of the nation.

"Brothers, we have lent some blacksmiths' tools to the smith who resides at the upper town, the others our friends take with them: but the smith who lives here may make use of them; the two smiths we hope are now able to do nearly all the smiths' work you will want.

"Brothers, if our friends get a house put up before winter, suitable for their accommodation, they will remove from the one they now live in. The barn and some of the land they may want another summer, as perhaps they cannot get land enough cleared to raise grain and hay for their cattle; you will agree among yourselves which of you shall live here when our Friends remove.

"Brothers, when our friends remove they will continue to give you assistance and instruction when they can, if they think you stand in need of it.

"Brothers, we understand by your speech to our friends, that you want them to bring on tools and cloth to sell.

"Brothers, we do not want to keep a store of goods among you, we think it will be best not; but we intend to send a few scythes, sickles, augurs, and some such tools, for our friends to sell to such of you as may want to buy; but if any of your people buy from them, and then sell to white people, they are not to sell any more to such as do so.

"Brothers, we again repeat it, we wish you to speak your minds freely to us, and if there is any thing which you and we do not understand alike, that you will tell us, as it is our wish to comply with all our engagements."

After consulting with the other Indians, Cornplanter replied:

"Brothers,

"Your speech is good, containing the same language Friends have always spoken to us. We know the time talked of for your young men to live among us has passed by, and nothing been said on either side; and perhaps that is the reason why you want to purchase a piece of land joining to us. Your young men may live where they now do as long as you please, and if you cannot purchase, we hope they will continue to live where they now do.

"Brothers, when your friends first came, and for a long time after, the white people told us, "Keep a good watch on them Quakers, they are a cunning designing people, and under pretence of doing something for you,

want to get a hold upon you, to take an advantage of you some way or other." But of late, finding that all was straight and no advantage attempted to be taken, they had left off talking about it.

"Brothers, your young men and us have now lived together several years as brothers; when your young men came, the Indians were very ignorant, but now we are just beginning to learn; your young men do not talk much to us, but when they do, they speak what is good, and have been very helpful in keeping us from using spirituous liquors; as has also my brother.

"Brothers, you have desired us to agree among ourselves who shall live in this house, as your young men expect to leave it before winter, but we do not think it right to fix on any one yet, as if you cannot get a piece of land your friends will want it; and if you do buy a piece, they may not get a house up fit for them to live in before winter, and then they would want it.

"Brothers, you have also mentioned that you should leave all the buildings, fences, &c. here for us to occupy this farm, except that your friends would want the barn and some of the land to get fodder and raise grain next summer, which is all very agreeable to us, but it is hard work to cut down so many trees and clear land to raise hay and grain, therefore they may want it longer than next summer, and if they do, they are welcome to work it as long as they think they have occasion for it: so it will be time enough to make choice of some one to occupy this house, farm, &c. when your young men are comfortably fixed on the place you intend them to remove to, if you can get it.

"Brothers, we will appoint some of our people to receive the tools and collect such as are lent; and have charge in future of lending them.

"Brothers, it is true in our speech to your young men, we requested them to bring cloth, tools, &c.to sell; but we think you have come to a wise conclusion not to keep a store among us, as some dispute or difficulty might arise if a store was kept, between your young men and our people. We are obliged to you for your intention of sending a few scythes, augurs, &c. to sell to such of our people as want to buy; and are pleased our people are not to sell such things again to the white people.

"Brothers, we are well satisfied with your conduct towards us, you have always done what you promised."

An old chief then said a few words to the following import:

"Brothers,

"You promised to endeavor to send a smith among us. After some time you did send a smith, but he staid only a short time, and two or three of our young men who began to learn the business, are not fully learnt: now you have sent on a smith the best we have ever seen, he knows how to make all things we want, but he has been only a little while with us, and now says he is going away: we desire he may stay all winter, and then we think our own smiths in that time, with his instruction, will be able to do our work, and now they cannot."

To this the committee replied, that the Friend had a wife and fa-

mily at home, who required his attention, therefore they could not press him to stay, as he had remained with them as long as he intended when he left home.

Friends believed the continued sobriety of the natives, and their improvement in habits of industry, afforded encouragement to persevere in this benevolent work. Several families having settled themselves about two miles higher up the river than where they used to reside, and cleared and fenced about sixty acres of good land; in other places their industry was noticed. The road the Indians have opened for about twenty two miles is a great work for them; it affords a much better communication from the lower to the upper settlements, by land, than they used to have.

From thence Friends went to Catarogus, where they were cordially received by the chiefs, and had the satisfaction of noticing very great improvements; several of them had built, and were building good houses, on a rich flat about a mile from their old village; their crop of corn was large, and their stock of cattle increased; and generally speaking, they had become a sober people, most of them having for a long time refrained from the use of whiskey and other strong drink.

The following is extracted from the speeches at a council held with them:

The chief Sachem said, when they wanted advice on any matters of importance, they applied to our Friends on the Alleghany; that they always found their advice very good, and when they followed what Friends recommended, it answered their expectation.

The chief warrior afterwards spoke and adverted to our kindness in supplying them with some useful articles which they stood in need of, and for which they were very thankful. Now they had several requests to make, and hoped we would attend to them; the first was for a smith's bellows, anvil, vice, &c. and some iron; then one of their people, now living on the Alleghany river, who had there learned to be a blacksmith, would come home and work for them: they were beginning to farm a little, and found their tools often wanted repairs, and when they went to Buffaloe, which was a long journey, to get any thing mended, they had sometimes to wait two or three days before they could get the little they wanted done, as the smith did the work for the people he lived among, before theirs; and to go to Alleghany was further: they also wanted another plough. We had supplied them with one which was very useful, and made some of their land produce much better than before they had it: in the spring many wanted it, and all could not have it, therefore some said they had no good of the Quaker's present, but if we would give them another set of plough irons, they could be nearly all accomodated.

We had helped them to one pair of oxen, and they had bought another themselves, and we might think as they had an annuity they might help themselves to many things, but their annuity would not near clothe them; and in buying their oxen, &c. their wo-

men and children had gone more naked than they wished; now they had got over it. Formerly they could by hunting supply themselves with meat and cloathing, but white people were settling so all around them, the game was getting scarce, and they were now endeavoring to farm the little land they had left, and hoped they should live more comfortably, but were so poor they stood in need of help; therefore wished us to give them another pair of oxen, and then they could break up some of their land which had not been broken, and make their farms larger, which they wanted to do.

They were informed their request for the smith's tools and plough irons would be complied with; and when the tools came on, if the smith belonging to their tribe would work for them, Friends on the Alleghany would give them some iron. The oxen they could buy themselves, for they must learn to help themselves; some further advice adapted to their situation was offered, and appeared to be well received.

In the evening when Friends were sitting with the chief warrior, he said he wished to ask them a question, but was almost afraid; they desired him to speak, and they would give him such information as they were able: it was, Do the Quakers keep any slaves? he was told they did not: he said he was very glad to hear it, for if they had kept any, he could not think so well of them as he now did. That he had been at the city of Washington last winter, on business of the nation, and found many white people kept blacks in slavery, and used them no better than horses.

Friends visited the Senecas at Buffaloe creek, and found a saw-mill just finished, for w[illegible]h we had supplied them with the irons: a visit was also made to the Tonewantas. At both places, and particularly the latter, many had left off the use of whiskey and other strong drink, and were improving in habits of industry.

A contract was entered into for the land on Tunesassah creek, and Friends at Genesangohta made a temporary house, and removed there before winter.

By a letter from one of the Friends dated 4th Month 21st, 1804, we are informed the Indians are generally removed from the lower town, and settling higher up the river, several of them not far from Tunesassah; this removal may put them to some inconvenience the present year, but will probably prove eventually much to their advantage, especially those who have fixed themselves detached from their little towns.

As the indians had experienced difficulty in getting their little crops of wheat ground, there being no mill near them, after the consent of the Yearly Meeting was obtained, measures were taken to have a grist and saw mill erected at Tunesassah; and the Friend who had been so acceptably with the Indians the year before, offered to devote a further portion of his time amongst them to make the iron work for the mills, and instruct the Indian blacksmiths more perfectly in the business; he remained with them during the summer and fall, and by a letter received from

our Friends there, dated 11th Month 7th, we are informed, that the saw mill is in operation, and promises well, and the grist mill is expected to be finished in a few weeks; and a house is building for the comfortable accommodation of a family. A Friend and his wife, if she have the aid of one or two female companions, it is believed may be very usefully employed in instructing the Indian women in various branches of domestic economy, with which they are now much unacquainted, and to which until lately, they had not leisure to give much attention: as the men become more of farmers, the women have less drudgery to perform, and unless their improvement is encouraged and promoted, it may retard the progress of both.

The following are extracted from letters, lately received, dated 2d Month 10th, and 3d Month 3d, 14th, 15th.

"Neither of the mills are completely finished, owing to the coldness of the season, yet both so as to do business. The Indians have had considerable grinding done, and appear highly pleased to see the grain reduced to meal so much quicker than pounding it in their wooden mortars; a pretty ingenious Indian man, after having a grist of wheat of his own raising, ground and bolted, said with animation, "I think this will make the Indians see day-light."

"It is pleasing to find a disposition for improvement continues to prevail amongst the younger class of Indians; divers have now considerable of corn to sell; they often express the satisfaction they feel in seeing the fruits of their own industry, and frequently observe that when they followed drinking whiskey they could hardly clothe themselves, but by industry they now find their substance begins to encrease.

"The continued resolution of these Indians against the use of spirituous liquors, conduces much to the introduction and increase of civilized habits, and it is obvious that it has an improving effect on the other settlements of the Seneca nation.

"They often come to see us, and appear well satisfied with what is doing: our intercourse with them here is much more satisfactory than when we lived at the old place, and not subject to the embarrassment we were frequently under when there. The change I have no doubt will be found advantageous in many respects.

"The late heavy rains, together with the melting of the snow, have produced the greatest flood in the Alleghany and adjacent streams, that has ever been known by any of the natives; our mills have not suffered any injury, being quite safe from high water; several rods of the race bank is carried away, and the dam something injured. The Indians have lost most, if not quite all their fences; it is very satisfactory to find that instead of being discouraged by their losses, they have joined together in companies very spiritedly, and have already got a great many rails made."

Signed by direction, and on behalf of the committee.

THOMAS WISTAR, *Clerk.*

Philad. 4th Month, 11th 1805.

LETTER FROM JON. WILLIAMS, ESQ. ON THE MODE OF DEFENDING NEW YORK.

—

TO DANIEL TOMPKINS, ESQ.
Governor of the state of New York.

—

New York, October 21, 1808.

SIR—In the repeated interviews with which I have been honored by your excellency, my constant disposition to render any acceptable service to the state and city of New York, respecting the fortifications proposed to be made in addition to those now making, by the United States, will, I trust, have been abundantly testified. The letter of the secretary of war, of the 27th September, which you were pleased to deliver to me, could, therefore, add the sanction of high authority, to what my inclination prompted me to perform.

In obedience to the secretary's order, it becomes my duty to present you with "a plan of an enclosed work on Flag Staff Hill, to be erected under your directions, at the expense of the state of New York."

I have more than once observed to your excellency, that a defence at the Narrows, of any kind or any magnitude, could in no wise render the interior defence now prosecuting within the harbor, less necessary or important. It would be as vain to rely on the interior defence, as the most sanguine partizan for fortifications at the Narrows, could suppose it to be, to rely on the latter without the former. In my opinion both are indispensably connected, though if our means were only capable of embracing one, I should prefer that which would *with certainty* prevent a ship from lying near the town, to that which would very probably prevent the passage of a ship through the Narrows; since the utmost success of the enemy, would, in one case, be but a small comparative injury, (only the injury that could be done in passing) while in the other, a passage of this first and only barrier, would be followed by a total prostration.

I have, on former occasions stated, that a complete defence at the Narrows, ought to consist of strong batteries on each side, and obstructions in the middle: these last might be temporary and occasional, and if they were only such as to arrest the progress of the enemy for a short time, the batteries in that time would certainly disable and probably destroy them.

To begin with that side near Long Island—I have shewn to your excellency, (when you honored me with your company on board the Engineer cutter) that Hendrick's reef has upon it but eight feet of water at half tide, between four and five hundred yards from the shore; and there is a sufficient space on a solid bed of rock, to erect a castle of any requisite magnitude. Let us suppose that a castle were erected here, composed of two circular towers, inscribing 270 deg. in the manner of the castle that is now building at the western point of Governor's island, and that these were joined by a right line of the same composition. Such a castle could be made to mount between two and three hundred guns, and one half of its force would bear upon a ship from the first moment she came within cannon

shot, to (even if she should pass) the last moment she sailed without it; while the ship could not do the smallest injury in return. A similar castle of two towers united in like manner by a casemate on the Staten-Island side, upon the point I indicated to you, forming the angle of the entrance of the Narrows, at the S. W. extremity, with a breastwork on the sand beach, which projects to the eastward of it, and is immediately under the highest land, would present at least an equal number of guns, and the distance between these castles being at most 1600 yards across the Narrows, this tremendous fire must take effect, at only 800 yards, which is but little more than battering distance, even if stone instead of wood walls were to be attacked, and with every facility for a quick fire and accurate direction. In speaking of these castles, I beg that it may be remembered, that I speak of casemated works, whose ample barracks as well as batteries are under one cover, like ship's decks, where nothing is liable to the attacks of the weather, nor the decay of time, except such as a very slight, tho' constant attention would always remedy; in short, works that, except in time of war and when an attack may be daily expected, would require only a subaltern's guard; for since one man could by daily care keep ten guns in good order, when completely housed, thirty effective men would be a sufficient peace guard for a whole castle.

As the defence of these castles require no other organization than what is requisite merely to load, point, and fire upon an object as it comes into view, a number of citizens might be classed and trained so as to repair to their posts in time of need, with as much celerity and knowlege of their duty, as the firemen of New York, do in cases of alarm of another kind. And respecting expenses, it may safely be asserted, that reckoning in proportion to the number of guns to be mounted, it is by far the cheapest mode of fortification ever yet invented.

But to secure these castles from attack in the rear, it becomes necessary to possess the high ground on Flag-Staff-Hill, especially as the proposed castle and breast-work are connected with the land. The heights on Long-Island become less important in this point of view, owing to the distance of Hendrick's reef from the shore, though it would certainly be expedient to erect a protecting redoubt there, especially to insure a supply of water. The Staten-Island height may be considered as inaccessible on the side of the Narrows, owing to its very steep ascent and great height, (being about one hundred and seventy feet in an angle of 45 deg. and in some parts nearly perpendicular to the base) to which may be added, the defence of abbatis, freises and palisades below the range of a plunging fire. A work placed here would therefore protect the battery on the beach, and a range of small batteries on the sloping ridge to the southward, while these would again protect and completely defend any approach to the castle by land or water. So that the water batteries may be considered as impossible to be silenced, while the works on the hill can

hold out against any attack the enemy could make, by landing at a distance and forming a siege in the rear. The importance of the post on Flag-Staff-Hill, is evinced by the British having thrown up a redoubt there to protect the passage of the Narrows, when they had possession of New York.

A work to be erected here, therefore, must be calculated to hold out long enough for the yeomanry and militia to assemble and force the enemy to raise the siege.

Proceeding on these principles the first requisite is water, and here a difficulty at first presents, there being none on the height but what may be collected in cisterns from the rain; but the difficulty is not insurmountable, for there is a fine and abundant spring at the foot which would fall within the proposed breastwork, and be fully under the protection of it as well as the fort above, so that no number of the enemy could stay there a moment, and by a very simple machinery the garrison could be supplied with as much facility as they could by a well.

The plan I have the honor to enclose, pre-supposes that no attack by artillery could come from the water side eastwards. The parapet therefore is on this side only a wall of inconsiderable height in order to facilitate a depression of the guns so as to fire into the decks of any passing ship; all the defence against a land attack, is therefore confined to that nececssary to repel an attack with small arms; that of the other three sides, therefore, is proposed to consist of rampart, parapet, scarp, ditch, counterscarp, and glacis. A covered way has been thought unnecessary, because the siege (should ever one take place) can never be of so long duration as to require one; the enemy would certainly attack by a *coup de main*, and abandon in case of failure. I have preferred half bastions to whole ones, because the whole length is within the reach of a musket ball, and because it affords a greater salient angle with less expense, and the opposite end of these sides is sufficient to defend the face of the half bastion in the nature of a second flank. On the S. E. angle instead of a bastion, I have made a circular tower, because this shape embraces the greatest possible space with the least possible wall; because it is unassailable, except where it is defended by the second flank before mentioned, and finally, because there is not sufficient ground for the salient angle of a bastion; this latter reason applies in favor of the half bastions, for the salient angle of a raveline, would go too far down the hill in the rear, and it would alter the direction of the southern front which is now at right angles with the most efficacious fire. In each flank should be a casemate with loop holes for small arms to scour the ditch. This will remove the objection to the dead angle which results from the want of an opposite flank. Another important reason for the circle is the space it leaves for a circular magazine in its centre with an ample area round it, without encroaching upon the rampart. For other particulars relative to this work, I beg leave to refer you to the inclosed plans and sections.

There does not appear but one height in the neighborhood of Flag-Staff-Hill, from which it could be annoyed by an enemy, except one to the S. W. But this is nearly on a level with the parapet, and by no means within battering distance; it is not besides possible for an enemy to entrench himself there unless he be master of the country.

The ultimate point of the public land to the southward of the fort is not five hundred yards distant, descending and ascending irregularly to a total fall of about forty feet, and then it is an almost perpendicular cliff of one hundred and thirty feet from the top to the breach below.

This ridge, which in the greatest length of the state's boundary is but fifty or sixty feet in width, offers no space for a fort. If the public line were made straight, there would be ample room for a number of batteries, each behind and above the other. As I have before observed, such batteries, would need no other expence than mere excavation, sodding and platforms, for each dependent on the command in the rear would require no particular defence of its own.

I beg leave to close this representation with a few remarks, which as a public and responsible officer, I feel myself bound to make with freedom, and I know I can rely on your excellency's indulgence for an excuse.

The application of so small a sum as one hundred thousand dollars for the defence of the Narrows, can only be considered as a beginning; for unless the appropriations continue, it must become (although sufficient for the work proposed) an useless expense. It would be the most barefaced empiricism in any man who would undertake so great an object with so limited means. A defence must be really such, or it is nothing—worse than nothing; for if it be ineffectual, it becomes a sacrifice of national honor as well as wealth. This is the first observation I had the honor to make when you applied to me, and I took the liberty of stating to you, that as an honest man, I could not give any advice on the subject, unless I was permitted to state what the whole system ought to be, and then to begin with a part of it in such a manner, that however distant the time may be when that system is to be completed, the work now begun, would be found permanent in its nature, and appropriate in its size, shape and position. Acting upon this principle, I have given your excellency a plan of work not only essential, but indispensible to that system. But if this fort were to be considered or designed *of itself alone*, to defend the entrance of the Narrows, I should be sorry to be quoted as the author of it. There is no such thing as economy in fortifications, short of permanency and efficacy. This position is self-evident: another is in my opinion equally so; there is no sum of money that a full and complete defence of this harbor could cost, that ought to be considered as any thing in comparison with the advantage that would result from it: that is, a saving of the difference between the value of the

real estate and commercial property, including produce, in the city and vicinity of New York, *when secure against any maritime attack*, and the value of the same estate and property *exposed to any maritime attack*. This difference is repeatedly felt at the time of every serious alarm, which is the same thing as repeatedly paying far more than an efficient fortification would cost, without enjoying the benefit of one. I know it may be said, that the alternate rise and fall of property, makes no alteration in its ultimate value. But this is only true of property *where income does not vary, and which always belongs to the same owner*. As the expenditures of fortification are progressive, so might the appropriations, for it is not desirable to have money laying unused; it is only requisite to be *certain* of the progressive supplies, with some money always in hand.

It is by no means my desire to intrude on your excellency's time by an essay on the expediency of a full and ample defence; but the nature of the case and the position I am placed in by the application you honored me with, render it necessary for my own justification, to state the principles upon which alone I can consider the plan I herewith present as of any importance.

The plans, profiles, and elevations of the proposed castles, shall be furnished whenever they shall be required, and I beg your excellency to be assured that I shall at all times, with the utmost readiness, afford you and the state all the assistance that my imperfect means can supply.

I have the honor to be, with the greatest respect, sir, your excellency's obedient servant,

JNA. WILLIAMS.
Col. comd't of engineers.

His excellency Daniel D. Tompkins, governor of the state of New York.

LETTERS FROM DR. MITCHILL TO JUDGE SPENCER, ON THE FORTIFICATIONS ERECTING AT NEW YORK.

New York, October, 9.

Dear Sir—With pleasure I offer you a brief account of the fortifications undertaken by the war department, for the defence of New York. In the beginning of April last a sentiment was expressed in an answer to the concurrent resolutions of our state legislature, by myself and my colleague gen. Smith, that out of the money appropriated by congress for the general defence, New York should largely participate. I am happy to assure you that the confidence we reposed in the executive has not been disappointed. Gen. Dearborn has directed a great deal of work to be done. A foundation is laid for much more; and I have no doubt, that eventually our city will be placed, not only in a respectable, but a formidable state of defence.

The chief engineer, who planned these fortifications, and who actually superintends their construction, is col. J. Williams, the learned and ingenious director of the military academy at West Point, and president of the American Military Philosophical

Society. The high professional talents displayed by this gentleman in projecting the works, have been very ably seconded by capt. Whiley in carrying them into operation. I shall describe them as they appeared on my last visit to them a few days ago. On a subject to which I have long devoted myself, and which I view with more than ordinary solicitude, I have taken as much care as I could to avoid mistakes. It is a subject of congratulation that all these structures are composed of permanent and durable materials, and will descend in good order to our successors.

I. Governor's Island.

1. Fort Columbus is now finished, excepting one barrack just ready to be covered, and the opening in the covert way opposite the gate, purposely left for the conveyance of materials. It consists of four bastions, three curtains, and an attached casemated ravelin, with two retired flanks; the whole capable of mounting 97 guns, and might without inconvenience bring half its force at one instant against any passing ship, while it completely commands the East river. It is a work composed of a walled rampart 8 feet in thickness at the base, diminishing by its slope to 6 feet at the line of the cordon, with counter forts of 5 feet in depth, at the distance of 18 feet from each other, surmounted by a solid brick parapet of 10 feet in thickness; the ditch is about 40 feet wide, with a walled counterscarp, a wall covert way and sodded glacis extending to the water's edge. This has a very beautiful appearance from the city, and is highly ornamental to the harbor.

2. At a point of the island extending westward to the very edge of the channel a permanent foundation of solid masonry has been placed on a bed of rocks, which till now much endangered the navigation at the entrance of the East river, as this point was totally submerged except at very low water; on this foundation is erecting a castle, being 3-4 of a circle of 200 feet in diameter, which is designed to be casemated with bomb proof arches, and to cover two tier of heavy metal. The lower tier will consist of 26 French 36 pounders, about equal to the English 42 pounders. The The second tier will consist of 39 twenty-four pounders, and the terrace over the bomb proof will form a barbette battery, upon which 45 COLUMBIADS,* carrying a fifty pound shot, are to be placed.

This casemated castle will be about 40 feet high, mounted with 100 guns. It consists of 13 arches of 30 feet span, 3 feet in thickness, and 24 feet in length. The cross walls which are piers to the arches, are 7 feet thick between the arches, and 12 at the termination of the segment. The guns are to be mounted in such a manner, that the centre of the motion will be immediately un-

* This gun is a new invention, cast at Foxall's foundery, on the Potomac. It is different from the English carronade, and has been proved to carry a shot at the distance of 600 yards through a breastwork thicker than the sides of a ship of the line, with the addition of 8 feet of earth and fashines of earth behind it.

der the muzzle of the gun, so that although the angle of fire is 54°, the mouth of the gun occupies always the same place, which permits the throat of the embrazure to be so small, that a shot could not pass between the gun and its side, and the line of fire across at 20 feet distance. The interior of the circle is open to the Heavens, and the apertures for the smoke to amount to 144 square feet in the rear, besides the facility of the smoke's spreading along the gallery or occupying the superior space, the height between the platforms being 12 feet; but the muzzle extending beyond the throat of the embrazure, which is smaller than the port hole of a ship, not much can return. In this respect it must be confessed that the probable inconvenience of the smoke does not amount to the tenth of a ship's decks, since there are more than ten times the space and apertures for it to spread in, and escape through. The walls of the castle are spread 8 feet thick on the ground tier, they will be 7 feet thick on the next tier, there being a recess of one fort for the joists of the second floor to lie upon, and in the mass of the wall arches are turned over each pair of embrazures, so that if it were possible to batter a breach into the lower tier, the upper one would rest upon those arches, and exhibit the appearance of a bridge, composed of very solid piers, the outside cut work of the wall is laid in what is called Flemish bond, and each stone is dovetailed in such a manner, that no one can be dislocated without being first broken to pieces; over each embrazure is a flat arch of remarkable neatness and strength, the first platform will be ready to receive its guns at the close of this season.

This account of the castle may be closed by observing that within its walls is an inexhaustible well of the finest water, from which all the shipping of New York, might be watered with ease.

II. Bedlow's Island.

The front wall of the mortar battery which commands all the channel and anchoring ground to the full distance that a shell can be sent, is nearly up to the intended height; the form given to this front is irregular, on account of the position of the island, and the irregular shape of its bank; but it has been calculated to have the greatest sides of the angles perpendicular to the line of approach, and the shorter sides to flank them. This battery will be on the level of the ditch of a star front in its rear, which not only will command it, but will command and protect Ellis's island. The excavations for this work are made, and the mason work will be carried on at the opening of the spring, in the mean time the work will go on until the severity of the winter puts a stop to it.

III. Ellis's or Oyster island.

The old wooden parapet is taken down at Ellis's island, and the platform for a gun battery is completed, there only remains to wall up the parapet, when it will be ready to receive its cannon.

IV. *City of New York.*

1. A foundation is preparing by encompassing with a polygon of blocks a space of two hundred feet diameter in a S. W. direction off the flag staff of the old battery, the blocks will form seven sides of an octagon, two sides on the town side being made into one, the blocks are nearly all sunk, and they will be worked up above high water mark before winter, so as to be perfectly safe from the ice; within the space that will be enclosed, a foundation will be laid, and castle erected similar to that of governor's island already described.

2. Off Hubert-street a foundation is already laid for a circular battery of about twenty guns in one tier, which will cross fire with the one last described so as to render it impossible for an enemy's ship to lie off the town in the North river, in like manner as the batteries before described will make it impossible for any attack to be made on the east river, so that even if it were to be allowed that all these batteries could be passed, the city of New York would be safe, while the enemy at the same hazard would have to pass back again.

V. The height of Red Hook and the Narrows may be contemplated as scites for fortifications, to be erected as soon as arrangements can be made. I might easily prolong my communication, by informing you of the laboratory, magazine and arsenal, now building under the direction of colonel Williams, at the place where the Kingsbridge and Bloomingdale roads separate, bout two miles and a half from he city hall. It would be pleasng to me to describe the naval force stationed by Mr. Secretary Smith in the harbor, under the command of the gallant commodore Rogers. And the task would be no less agreeable to make known to you, the various and important measures adopted in pursuance of the laws of the commonwealth, for the public safety by governor Tompkins. But a detailed enumeration of these several matters would lead me far beyond my limits. I, therefore, conclude by expressing my fervent wishes for your health and prosperity.

SAMUEL L. MITCHILL.

To the honorable Ambrose Spencer

AMERICAN

REGISTER OF DEATHS.

AMERICAN

REGISTER OF DEATHS.

ON THE FOURTH OF JULY, AT HIS, RESIDENCE, AT DEDHAM, NEAR BOSTON, DIED

FISHER AMES.

This event being made known to his Friends in Boston, a request was made in the papers, for a meeting of the citizens on Tuesday morning, on the floor of the State-House, to take measures to testify their respect for the character and public services of the deceased. Agreeably to this request, a large number assembled, and having chosen the Hon. Judge PARSONS, Moderator, the following resolutions moved by the Hon- Mr. Otis, and seconded by the Hon. Mr. GORE, were unanimously adopted, viz.—

It being of the greatest utility as well as moral fitness, to pay public honors to the memory of those whose lives have been eminently useful; finding it having pleased GOD, to take from us FISHER AMES—a man whose virtues and talents have honored the American name; the citizens of Boston are desirous to exhibit their sense of his exalted worth, by a tribute of public respect:—it is therefore unanimously

Resolved, That in the name of this meeting, the family of Mr. Ames, be respectfully requested to permit his remains to be brought to this town, to be interred in the manner which a committee appointed by this meeting shall prescribe.

Resolved, That the Hon. Thomas H. Perkins, William Phillips, Esq. Samuel Parkman, Esq. John Warren Esq. Samuel Bradford, Esq. Hon. Simon Elliot, Hon. James Lloyd, jun. Arnold Welles, Esq. Stephen Higginson, jun. Esq. John T. Apthorp, Esq. Charles Bulfinch, Esq. and Mr. Benjamin Joy, be a committee for the purpose of carrying the foregoing resolutions into effect, and of making all proper and necessary arrangements for the funeral.

Resolved, That the committee of arrangements be instructed in

behalf of this meeting to apply to the Hon. SAMUEL DEXTER, and request him to pronounce, at the time of the interment, an address upon the melancholy occasion.

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Agreeably to the regulations adopted by the committee of arrangements, the

FUNERAL PROCESSION,

Of the remains of the departed sage and patriot, took place yesterday, at five o'clock, from the dwelling house of the Hon. CHRISTOPHER GORE, Park street, and proceeded in the following order through Winter and Marsborough streets, Cornhill, Court and Tremont streets, to the Chapel.

ORDER OF PROCESSION.

A Deputy Marshal.
The Junior and Senior Classes of Harvard University.
The Tutors and Professors.
The Rev. Clergy of this and the neighboring towns.
The President of the University.
Head Marshal.
Committee of Arrangements.
Officiating Clergymen.

Hon. H. G. OTIS — Hon. C. GORE,
Hon. E. H. ROBBINS — Hon. G. CABOT,
Hon. T. PARSONS — Hon. T. PICKERING,
CORPSE.

Relations.
Neighbors and Townsmen of the deceased.
His Excellency the Governor, and his honor the Lieutenant Governor.
Honorable Council.
Secretary and Treasurer of State.
Hon. President of the Senate and Speaker of the house.
Judges of the Supreme Judicial Court.
Judges of the United States Circuit Court.
Judges of the Common Pleas, and Municipal Courts.
Members of Congress.
Secretary of the Senate of the United States.
Attorney General, Solicitor General, and Reporter.
Gentlemen of the Bar.
Societies of which the deceased was a member, viz: 1. Academy of Arts and Sciences. 2. Humane Society. 3. Agricultural Society. 4. Historical Society.
Selectmen of Boston.
Town Officers, Strangers and Citizens.

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When arrived at the Chapel, the body was placed before the Altar; and divine services performed by the Rev. Mr. Montague, and Rev. Mr. Gardiner.—After which the Honorable SAMUEL DEXTER delivered to an uncommonly crowded auditory, a very eloquent and pathetic funeral oration.

The concourse of citizens was great beyond example. Every heart seemed to swell with grief; and every eye glistened with sorrow. A solemn silence proclaimed that "the loss of such a man, at such a time" was irreparable to his country, his family, and his friends.

While the procession was moving to the Chapel, the flags on board the shipping in the harbor,

were hoisted half mast, and the stores and shops in the several streets through which it passed, were shut in testimony of respect to the deceased patriot and philanthropist.

The friends of Mr. Ames and the public were highly gratified that Mr. Dexter was willing to pronounce the funeral oration.—They felt it to be a delicate and arduous task. The execution of this task was very complete. It was worthy of the deceased and honorable to the talents and sensibilities of the orator. With very little opportunity to prepare and with nothing written but a few hints of topicks—Mr. D. pronounced a methodical, full and impressive eulogium, containing the prominent facts in the history of the life of Mr. A. and delineating with strength and exactness the features of his character.

The following are some of the particulars related by the Orator.

Mr. Ames was a native of the town of Dedham. His father was a respectable physician; and like his son was removed from life in the meridian of his years. He was the youngest of the children who survived him. The mother as ifanticipating the future lustre of the jewel committed to her care, laboured to give this son an adequate education. At the age of twelve he became a member of Harvard College—an age too young for the mind to grasp many of those studies which make the course at the University. He passed the term of four years in this place, and received its honors, enjoying a reputation for genius and unstained with any vice. From this period a number of years appear to have elapsed without any peculiar pursuit; whether in consequence of the immaturity of his years, or the want of proper counsel and encouragement, or defect of pecuniary means of perhaps the uncertain and in many respects, calamitous circumstances of the times, is not known. At length he became a student at law in this town, and having been admitted to the bar, began the exercise of his profession in his native place. But such a man could not be made to enter into the spirit of village contention. His expansive mind embraced the interests of the whole. His views were already directed to the care of his country. He began to be known by his profound and elegant discussions of some of the political topicks of the times, which were published in the newspapers and which were traced to his pen.—The affairs of our country wore a a doubtful aspect. There was no government to bind the states together. The federal constitution had been submitted to the several states, and Mr. Ames was chosen a member of the convention of Massachusetts for taking this instrument into consideration. In this dignified and interesting assembly, the splendour of his talents burst forth to the public admiration and astonishment. Such was the impression made on the minds of the people by his display of wisdom, of patriotism and eloquence in this body, that he was not only chosen into the legislature by his native town, but the next autumn elected the first representative to congress from this district. For eight years after he ran his bright course in the legislature of the nation. You

are all acquainted with the constant exhibition of talents and love of country, which he made during this term. In the debates on every important question, he was a principal speaker. Towards the close of the period mentioned, his health was found to be failing. The great question of making appropriations for ratifying a treaty with Great Britain was then to be determined. He attended the long and momentuous debate upon this measure in silence, and his friends were despairing of his assistance, lest if the exertion it would require should be made, it would prove fatal to the feeble remains of his life. He, however, before the final vote, yielded to the emotions which the subject could not but excite, and spoke to the question. His tones, his looks, his sentiments and his feelings were those of a man who would probably soon be heard no more. Standing on the verge of life, he uttered his counsel and warnings, his reasonings and persuasions. Such was the effect of his eloquence, that one of the opponents rose after he had done, and objected to taking the minds of the members at that time, because they had been carried away by the impulse of oratory, and ought to adjourn for the purpose of reflecting, whether it was reason or feeling that had them in subjection—and they did adjourn upon the suggestion.

When Mr. Ames had finished this effort of patriotic zeal and sublime eloquence, the citizens of every description were eager to know its effects upon his health; continually besieging the doors of his lodgings with inquiries and and with testimonies of a desire to contribute to his comfort and restoration. Having recovered, so as to be able to travel, he commenced a journey through the middle states. His general reputation and the sensations excited by his recent exertions, made him, on this tour, the object of the most interesting attention. He was every where received with public and individual tokens of respect. He was hailed as among the first of the benefactors and the brightest ornaments of his country. The college of New Jersey, at that time, consulted its own honor, as well as his, by conferring on him the degree of *Doctor of Laws.*

Frail in health, fond of retirement, of home felt joys and rural occupations, and weary of public cares, Mr. Ames, from this time, became a private citizen. A few years before, he was married to a lady, the ornament of her sex, now his widow; on whom has devolved the care of those children, whom it would have been the delight of their father to have conducted into life. Happy it is for them, and consoling to their friends that she possesses, in so eminent a degree, the qualities and dispositions that fit her for the task.

But though Mr. Ames sought retirement, he was still in *many* respects a public benefactor and servant. For a few years he consented to be a member of the council of the state. He operated far around him by the influence of his conversation, and his writings in the public papers. On every question of importance, his opinion was sought and expected. When the country was in tears

at the death of Washington, he was chosen by the Legislature, to pronounce an eulogium; in which, though his friends knew he did not satisfy himself, he was admitted by impartial judges, to have executed an almost impracticable task, in a noble and affecting manner.

Within a few years past, the office of President of Cambridge being vacant, he was unanimously chosen to fill the place. All admitted that the brilliancy and the solidity of his talents, his love of learning and of virtue, his suavity of temper and manners, would have rendered him the greatest blessing to the institution: but considerations of health alone, if other reasons had permitted, would not allow him to accept the station.

For a long time, he has been lingering out of life; we have seen him in pain and languor, an example of dignified composure and cheerfulness; patience and benevolence. His solicitudes for his country never forsook his heart. He saw death approaching—that rectitude of intention, that sublimity of virtue which had governed and exalted him in life, sustained him in his conflict with the last enemy. On the morning of the anniversary, which celebrates the birth of his country, on the spot which gave him birth, without a struggle or a pang he resigned his breath.

Of all the gifts of the Supreme Father to his children, intellect is allowed to hold the most distinguished rank. The mind of Mr. Ames was of a great and extraordinary character. Always right, he yet seemed to arrive at the truth by intuition rather than by investigation. He reasoned, but not in the forms of logic. By striking and forcible illustrations more than by regular deductions, he compelled assent. The richness and vividness of his fancy, the fertility of his invention, the abundance of his thoughts, were as remarkable as the justness and strength of his understanding. He had a brilliancy which at once instructed and astonished. From the multitude and the quickness of his perceptions he would be found sometimes to deviate from his principal subject, warmed by some single idea or particular imagery. But though he wandered, he was never lost, and returned to his main object, with an energy and pointedness the more striking for his digressions.

His political character is known from his writings, his speeches, his measures. He loved the people, but he would not flatter their passions.

His moral character, who can impeach? It was pure beyond my power to express. He had faults it is certain, for he was A MAN; but they who lived in the nearest intimacy saw no blemish. To the world he appeared "a faultless monster." Achilles might have been vulnerable in the heel, but his enemies have not been able to make this discovery.

From the contemplation of the works of creation and his own frame, he believed that man is subject to a moral government, and destined to another life. A mind like his could not overlook the simple grandeur of the character of the founder of christianity. Feelings like his could not be uninterested in the question concerning his pretensions;

He examined the subject with independence and candor, and the result was a conviction and a profession of the truth of christianity.

The powers of his conversation were unequalled. It was not mere instruction, mere amusement—it was delight. There was an endless play of fancy, joined to the truest sense and wisdom.

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The following sketches of the character of Mr. Ames are taken from the production of an anonymous hand, in a Boston publication.

In the character of Mr. Ames, our own state, our nation indeed has much of which it may justly be proud. His example is invaluable to statesmen; to our citizens at large and to the promising part of our youth it is inestimable. It would not be extravagant to say, that under all aspects, he was one of the first men of the age. If health, if ambition, if fortune, if a desire of distinction had co-operated with his profound and unexampled genius, it is hardly possible to say to what a height of reputation he might have attained. But a feeble and morbid physical constitution, an unconquerable modesty, and an unfeigned and invincible attachment to domestic enjoyments, restrained the range of a mind which indulgent nature had rendered almost uncontrolable in its powers.

The *little* which the public know of the character of Mr. Ames would be deemed *much* of any other man; but his intimate friends, those who enjoyed and were honored and delighted with his conversation and friendship, are sensible that the world knew but little of his talents or merit.

Of the vivacity, fertility, and richness of his imagination, every man who had the smallest pretension to taste, learning or discrimination can bear the most ample testimony. In this respect he stands without a rival in our own country, and if we can be permitted to judge from the printed works of cotemporaneous Europeans, there has been but one man of his age who can be placed in comparison with him. If Mr. Burke excelled him in richness and variety of his imagery, in the beauty and attitude of his classic allusions, it can be attributed only to the superior advantages of an early and excellent education, and to more extended practice in the best school of modern eloquence, the British Parliament.

If the health of Mr. Ames had permitted him to pursue his natural disposition for political disquisition, and parliamentary discussion, and if he had lived to the mature age of Mr. Burke, it is much to be doubted whether he would not have been a very formidable rival to that unequalled statesman.

But the exuberance and chastity of Mr. Ames's imagination were among the smallest of his talents, as they were of no account in comparison with his public and private virtues. The profoundness of his mind, the extent and correctness of his political and moral reflections far exceeded the splendor and inexhaustible fertility of his fancy. No man ever entered his society

without being informed, and few quitted it without being improved. The most abstract thoughts, the most profound ideas seemed to flow from him without any mental exertion. Although capable of entering into abstruse disquisitions on every subject, yet a natural bias to politics, the habits of early life, and a patriotism sincere, strong, and ardent even in death, led him chiefly to confine his vast mind to the political situation of the world and more especially of his own country. Living in an age the most changeful, and the most eventful, he gave full scope to his deep and penetrating understanding. He perceived the causes, and the consequences of passing measures unnoticed by thoughtless and vulgar statesmen; and if his prophecies of future events should be as strictly fulfilled hereafter as they have heretofore been, his surviving fellow patriots have no small reason of disquiet and apprehension.

He was one of the few men who foresaw and foretold the frightful despotism which would terminate the French revolution; and if his predictions of the effects of the influence of aspiring demagogues are (as they are likely to be) as literally fulfilled in our own country, this amiable and regretted prophet has not found too early a grave.

Of the events of such a man's life, shrinking from public notice, and dreading public distinction, courting only domestic and literary enjoyments, little ought to be said, because although distinguished and honoured by his country, he conferred more honour than he received.

Let those who have no other merit than official distinctions retail the long catalogue of their titles, it is sufficient to say of Mr. Ames that in the few offices into which he was forced, he rendered his country services which no other man could render, and he left behind him in the councils of the nation, an example and reputation, which it is, and ought to be the pride of his successors to imitate, though few can hope to equal.

Of his brightest, best traits, those of domestic and retired life, those which ornamented and exalted the man above the statesman, one could never be weary in their praise. But there was a tenderness and delicacy which his inestimable softnesss of character excited in his relations and friends, which ought not to be wounded. Of such sentiments and such sensibilities those who did not know him cannot judge. Their loss can never be too much deplored, their wounds can never be healed, the world can never repair the one or cure the other.

At Burlington, N. J. in the seventy-third year of her age, Mrs. Hannah Boudinot, wife of Elias Boudinot, Esq. late of this city.

Her illness was short, but without pain: as she had lived in the exercise of every social virtue and every christian grace, her departure, though unexpected by others, was not sudden to herself.

Vain were the attempt, in the compass of a few sentences, to pourtray the rare and varied ex-

cellence of this distinguished character. Endowed with an understanding at once correct and enlarged, with a heart that glowed with fervent piety to God, and with undissembled kindness to her fellow-creatures; she was devout without superstition, and charitable without ostentation: possessing a native prudence, cultivated by habitual circumspection. She "abstained even from the appearance of evil." Her benevolence was quick to feel, and always prompt to relieve, as well the sorrows of the afflicted, as the wants of the indigent. Her life has been long, happy, and eminently useful; while the tears of unaffected sorrow bedew her grave, the memory of her exalted virtues will never cease to be cherished by her affected relations and friends. To all who knew and loved her, it is a source of inexpressible consolation, that the daily habits of her life were conformed to the spirit of the Gospel and the example of her SAVIOUR.

At Alexandria, Virginia, June 27, after a short but severe illness, Mrs. Ann Warren, the amiable consort of Mr. Warren, one of the managers of the Philadelphia and Baltimore Theatres.

To enter into a detail of the excellencies of Mrs. Warren's theatrical character would be superfluous, her celebrity having long since diffused itself over both her native and this her adopted country.

In her the American stage has been deprived of its brightest ornament, not more conspicuous from her unrivalled excellence in her profession, than from her having uniformly preserved a spotless and unsullied fame; proving by her fair example that an unblemished reputation is by no means incompatible with a theatrical life

In the circle of her intimate friends her loss will be most poignantly felt; for to them the many virtues and accomplishments which adorned her private life were best known. To a warm, feeling, and affectionate heart, were added that fascinating ease and grace in conversation, which regulated by an excellent understanding, delighted, at the same time that it improved.

But, alas! that eye is now dim and closed forever which has so often communicated its magic influence to the heart; and mute is that tongue, whose flexible and silver tones so sympathetically vibrated upon the ear of an enraptured audience. And never could the observation of a celebrated moralist upon a similar occasion, be more applicable than upon the present: "Death has eclipsed the gaiety of nations, and diminished the public stock of harmless pleasure."

On June 17, died at Charleston, South Carolina, in the seventy-sixth year of his age, Thomas Rivers, Esq. a native of that state, and one who had long ranked among its truly respectable citizens. Before the revolutionary war he was numbered with the wealthy; since that period his circumstances have been more in the style of mediocrity. In the

time of the war he held a seat in the state legislature, was a firm adherent to the cause of his country, and a zealous supporter of its liberties, both civil and religious. His love of domestic life induced him afterwards to resist the solicitations of his friends, whose suffrages would have continued him in the legislature.

Mr. Rivers had a mind formed for friendship and social intercourse. In relative life he was distinguished as an affectionate husband, a tender parent, and a humane master. The moral virtures he cultivated with care; connecting them with the religion of the Gospel, and founding them on its principles, as on their proper basis. His profession of serious piety began when he was a young man; and his friends have the satisfaction to think, from their knowledge of his temper and conduct, that it was supported through life with as much consistency as could reasonably be expected of imperfect man.

It pleased God to visit him, during the last six years of his life, with severe afflictions of the nervous kind; in which he experienced great debility of mind as well as body. But through the whole he expressed much resignation to the will of God, and concern for the Divine Glory; with a steadfast faith in the merit and grace of the Redeemer. On the subject of religion he was always most collected and composed; and from this source appeared to derive his chief consolation.

His remains were deposited in the cemetry of the Baptist Church; of which church he had been more than 50 years a member, and many years a deacon. He has left a widow, three sons, and a large number of relations, as well as friends, to lament the loss they have sustained by his death.

In New Jersey, on the 29th June, society and the church were deprived of an useful member in the death of Dr. David Jackson. One who was intimate with him, and frequently met with him in social prayer, feels sensibly this dispensation of Providence; but little, comparatively speaking, is an individual's loss in this good man, to what the public at large must experience. He was a friend to the friendless; a benevolent disposition was prevalent with him, and he was ever ready to lend a kind aid to useful institutions in church and state. This friend of piety was always at his post; in his family, in private society, and in the church.

Near Carlisle, Penn. August 3d, in the 87th year of his age, John Montgomery, Esq. an associate judge of the court of common pleas of Cumberland county.

This gentleman was a native of Ireland, who emigrated in his youth to this country, and was among the first inhabitants of Carlisle. The strict integrity which marked all his dealings, the good sense which early distinguished him, and his unremitted exertions to promote the public good, did not long remain unnoticed.

Shortly after the erection of that county he was called on by the unanimous voice of the people to represent them in the provincial legislature; to this seat he was annually elected until the revolution. Zealously attached to the cause of his country, he was again called into her councils, and for many years discharged the duties of a state legislator. During the most critical period of the revolution he was chosen to represent this state in the congress of the United States. The duties of these appointments were discharged by him with acknowledged fidelity: the local interests of his county were promoted by him, and by his exertions many peculiar advantages were conferred on that town.

The elegant edifice, the presbyterian church in that borough, may justly be attributed to his uncommon industry and persevering zeal. Dickinson College owes its *origin* to him; he persevered under the most unpromising appearances, under difficulties that would have subdued a common mind. We all have witnessed and admired his unceasing exertions, *when worn down by infirmity and age*, in promoting the interests of that institution.

In all his public life, the public good was his great object; private emolument, the acquisition of wealth, were never mingled with his public conduct; all these were sacrificed. His piety, integrity, patriotism and benevolence gave him a distinguished rank among our citizens. The purity of his intentions was never questioned, even in the bitterness of party and political animosities. The duties of a judge were discharged with the most inflexible integrity. As a father, husband and friend he will never cease to be remembered.

In a life, longer than that which is generally allotted to man, he has left much to endear his memory to us, and nothing wherewith to reproach his reputation. To his children he has left that which excels all worldly inheritance, *a bright example of a well spent life, a character untarnished and without reproach.*

On the 10th August, at Hardwicke, Georgia, in the twenty-sixth year of his age, Mr. George Mifflin. Mr. Mifflin joined to a sound and highly cultivated mind, mild and amiable manners and correct deportment. His disposition, though serious and contemplative, did not reject the gayest effusions of wit, or the charms of colloquial intercourse. Qualified by a refined and delicate taste to enjoy the chastest sports of imagination, he sought in books for the most polished productions of our language, and from society the highest cultivation of intellect; and these were peculiarly to him "the feast of reason and the flow of soul."

The virtues of his heart were in unison with the refinement of his understanding. His sensibility was accute; his disposition generous, manly, and sincere; and his temper, though reserved, affectionate and kind. He was the best of husbands, a faithful friend, a worthy, intelligent and honorable man.

Near Philadelphia, on the 4th September, in the sixty-third year of his age, Mr. Benjamin Shoemaker, a man of virtue and understanding, one of the kindest and best of fathers, husbands, and friends.

The retirement in which he spent the latter part of his life, although it lessened the benefit of his example to the world, encreased the attachment of those who were thus enabled to witness and partake of more of his friendship or benevolence, and it enabled him still more to purify his own heart and without apprehension, meet his God.

His funeral was most respectably attended to the Friends' burial ground in Germantown, where for the last twelve years he resided.

At Lyme (Connecticut) John Noyes, Esq. in the fifty-second year of his age. He was graduated at Yale college, 1775. From 1778 to 1783, he was a physician in the continental army. Settling in his native town, he was extensively improved, and successful in the healing art; and variously employed in civil life. Possessing a sound judgment and firm mind, he was an impartial minister of justice, the friend of civil and religious order, and filled up life with activity and usefulness; the liberal and hospitable man and good neighbor, were amiable parts of his character. In him the community have lost a patriot, and the church of Christ an ornamental member. With christian patience and fortitude he endured a lingering and distressing sickness; and in a well founded hope of immortality, resigned his spirit into the hand of his Redoemer.

At Sheffield (Massachusetts) general John Fellows, in the seventy-fourth year of his age. General Fellows was an old revolutionary officer. He commenced his military career in the French war. In the revolutionary war, he had an early appointment to the command of a regiment, was promoted to the station of a brigadier on the island of New York, under general Washington, and commanded that portion of American militia stationed on the east side of Hudson's river when general Burgoyne surrendered at Saratoga. He was an honest and useful citizen; a real friend to his country; affectionate as a father, and sincere in friendship.

August 17th, at Bridgetown, New Jersey, aged 23 years and 7 days, Miss Phœbe Holmes Giles, daughter of general James Giles, of that town.

Seldom are we more loudly called on to note the uncertainty of our days and most flattering anticipations, than by the present blighted prospects and death of the once blooming subject of this tributary record.

Gifted by nature with a sound understanding and amiable disposition, Miss Giles acquired, under the care of her accomplished parents all the grace and polish of

a well bred woman, free from the vanity and affectation which, too often, accompany the education of females in large cities. At the age of seventeen, she may be said to have been "loveliness personified." Her mental faculties were in a high state of cultivation; her form seemed cast in "nature's fairest mould;" the liquid lustre of her intelligent eye, bespoke a gay and joyous, yet a feeling heart; health bloomed in her cheek; and the glow of youthful animation spread its fascination over every feature. Her appearance attracted the admiration of those who beheld, and her worth secured the esteem of those who knew her. At this period, in the gay morn of life, when her heart bounded at the bright prospects opening to her view, and all was joy and sweet anticipation, disease laid his chilling hand upon her. Her frame shrunk at the touch; she drooped like a blighted flower, and soon became "a wreck of human loveliness;" but, though the beauties of her person had vanished, the brilliancy of her mind appeared in its true lustre. During her tedious confinement she was meek, placid, resigned, and often cheerful. When death approached, she received him with christian fortitude: for, her mind had long dwelt with pleasure on a future state.

At Philadelphia, on the 8th September, in the thirty-ninth year of his age, William Sandford, esq, formerly of the Inner Temple, London, who came to this country, 1795, and for the last twelve years acted as an officer in the bank of Pennsylvania, being the greater part of that time, the first book-keeper. His abilities as an accountant rendered him eminently useful, while the urbanity of his manners, and the unbounded benevolence of his heart, commanded the respect and esteem of all who knew him.

The circumstances attending the close of this excellent man's life are somewhat remarkable, evincing in a very striking manner, the uncertainty of all sublunary prospects and expectations, and at the same time the blessed influence of genuine Christianity, in qualifying the human mind to receive the summons of death, however sudden, with tranquillity and resignation.

Mr. Sandford's unwearied assiduity and incorruptible integrity in executing the duties of his appointment, induced the directors of the bank to reward his fidelity and zeal, by placing him in a situation of greater responsibility, of less labour, and more emolument. With this view, he was unanimously chosen cashier of the branch bank to be established at Easton in this state. But, on the very day before his intended departure from this city he was seized by a violent and invincible disease, which, in the course of eight days, notwithstanding the utmost exertions of medical skill, effected the separation of his soul from the body.

The writer of this article visited him during his illness: at the time when his physicians announced the certainty of his approaching dissolution, and just before it actually took place. Throughout the whole of this awfully interesting period, Mr. Sandford

preserved the most undisturbed serenity of mind, and viewed the advance of death, not only with christian resignation, but with a degree of exhilirating confidence, and holy exultation, which nothing but the animating influence of that divine religion could inspire. Conscious of an habitual conformity to its precepts, and of a uniform observance of the rites, and attendance upon the worship of the protestant episcopal church of which he was a zealous and exemplary member, he was always ready "to give an account of his stewardship; and has, doubtless, therefore, now "entered into the joy of his Lord." After bidding an affectionate farewell to his afflicted wife, children, and surrounding friends, he expired in the full possession of all his rational powers, and immediately after uttering this triumphant exclamation, "O! What a glorious place I am going to! May I meet you all there!"

At Bristol, (R. I.) September 25, in the fifty-third year of his age, Benjamin Bourn, Esq. one of the late judges of the circuit court. The following just character of the deceased is copied from the Boston Repertory.

"In the character of Judge Bourn were united, in a most remarkable manner, those qualities which command respect, and those which conciliate affection. He was eminent as a lawyer, respectable as a judge, entertaining and social as a companion, firm, independent and upright as a man. Indeed it would be difficult to say in which of these relations he was entitled to the highest esteem. It was this union of all that was engaging and respectable, wise and endearing, that kindled and kept alive the most ardent attachment of his friends, and extorted respect and even praise from his competitors. At a crisis like the present, his country cannot well spare so valuable and staunch a patriot as Judge Bourn; but his loss will be more particularly felt and deplored in his native state, where he has always resided, and where his salutary influence has been constantly exerted."

His funeral was respectfully attended on Monday by the lodge of free-masons, at Bristol, a large concourse of citizens from the neighbouring towns, and a train of weeping relatives and sympathising friends—and appropriate prayer having been made by the Rev. Mr. Wight, and a handsome eulogium pronounced at the meeting-house, by Tristram Burges, Esq.

On September 11, at Philadelphia, Peter Andrews, a worthy minister of the society of friends. His character may be compared to one of the apostles—going about doing good—mild in his manners, agreeable in his conversation, and strictly upright in his conduct, his example aided by precept, has no doubt been the means of "winning souls unto Christ" and from the assurances left on record, we have no doubt of his entrance into the blissful regions of immortality, where "receiving the just reward of his merits, he will shine as the stars for ever and ever."

At Newark, (N. J.) Alexander C. Macwhorter, Esq. of that place; a lawyer eminent for his talents and legal information, a man and a gentleman; honor and honesty commanded the respect and esteem of all who knew him; a husband and a father, kind, indulgent and affectionate; a friend, warm and sincere.

At Murray-Hill, near New York, in September, John Murray, Esq. of the house of John Murray and Sons, aged seventy years.

Newspaper eulogy has become so trite, that affection finds but little pleasure in resorting to it as a means of pointing to departed merit. But surely the worth of Mr. Murray claims a notice; and as surely it cannot be mingled in the general mass of panegyric. As president of the chamber of commerce, and as a director of the national bank, the commercial interests of this city, have been by him promoted in no small degree. In the latter situation, the young industrious merchant will drop a tear to the loss of generous and benevolent exertion in his favor. Possessed of a strong mind, Mr. Murray has always been looked to as one of the first in his profession. His intuitive penetration espied whatever was good and promising, while his unclouded prudence clipt the aspiring wings of enterprize. As a commercial character, he will be lamented by every merchant. But if we would appreciate his loss, we must enter the abode of private affliction, and mourn the deprivations which rend the heart of his family. As a husband, he was tender almost without a parrallel. As a father he was indulgent and affectionate, at the same time that he directed his offspring with an unbiassed hand to the attainment of excellence and virtue. As a master, although he knew how to force discipline, he was strikingly kind and benevolent—as a fellow-citizen, he was sincere, upright and generous as the sun.

At Baltimore, in the twenty-fourth year of his age, the Rev. Leonard Cassell, pastor of the methodist episcopal church, on Fell's-Point. His remains were interred in the methodist burying ground in that city on Tuesday, in the midst of a deeply affected and weeping multitude. If brilliancy of talents, strength of mind, soundness in divinity, uniformity of conduct, supreme love to God, and universal love to man, are subjects of admiration and praise —they all centered in this great and good man.

In Worcester, on the 11th July, Dr. John Green, aged forty-five years. Perhaps there is no character in society whose loss is more sensibly felt, than a benevolent and experienced physician. In this respect, no portion of our country has ever sustained a greater calamity than the inhabitants of Worcester and its vicinity. Descended from ancestors who made the art of healing their study, Dr. Green was easily initiated in the school of physic: and from his infancy the natural

bias of his mind led to that profession which through life was the sole object of his pursuit. To be distinguished as a physician, was but a secondary consideration; his native humanity and benevolence operated as a more constant and ardent excitement to perform with skill the duties of his profession. With this propensity, aided by a strong, inquisitive, and discriminating mind, he rose to a pre-eminent rank among the physicians of our country. To this sentiment of his worth, correctly derived from witnessing his practice on others, a more feeling tribute is added by those who have experienced his skill on themselves—for so mild was his deportment, so soothing were his manners, and so indefatigable was his attention, that he gained the unbounded confidence of his patient, and the cure was in a measure performed before any medicine was administered.

To those who were acquainted with him, the idea that *some men are born physicians*, is not absurd —for he professed not only an innate adaptness to the profession, but he was constitutionally formed to bear its fatigues and privations. Few men of his age have had such an extensive practice, or endured a greater variety of fatigue, or have been so often deprived of stated rest and refreshment. It may here be pertinent to remark, that in all the variety of duty incident to his profession, as was never known to yield to the well intended proffer of that kind of momentry refreshment, so ready at command, and so often presented to the weary and exhausted physician.

In his intercourse with his brethren of the profession, he was ever "*ready to communicate.*" His liberal mind disdained that selfish policy which prompts many to lock up the treasures of their experience with a view to keep others from rising to their eminence.

The firmness and equanimity of his mind which was so conspicuous in all the exigencies of his life, forsook him not in death. With christian resignation he "*set his house in order,*" knowing that he "*must die and not live.*" In the perfect possession of his reason, with a mind calm and collected, he spent the last moments of his life, performing its last duties with the sublime feelings of a christian. And when by an examination of his own pulse, he found that the cold hand of death was upon him, he calmly bid a last adieu, and placed himself in the most favorable posture to an easy exit, expressing a hope that his fortitude would save his afflicted family and friends from the distress of witnessing a dying groan. In this manner, he whose life had been spent, by his practice, in assisting man *to live*, and by his example, *how to live*, in his death taught them *how to die!*

At Bethlehem, in Northampton county, Pennsylvania, Mr. John G. Jungmann, after an indisposition of about ten days, in the eighty-ninth year of his age. Mr. Jungmann was one of the oldest inhabitants, and first settlers of Bethlehem. He was born in the Palatinate of Germany, and came with his father to this coun-

country when about twelve years old. They settled in Oley township, in the county of Berks, as early as 1732. As some years after an association of Moravians settled in this state, and established themselves in Bethlehem, Mr. Jungmann joined them. He went some time after as one of the missionaries to disseminate the gospel among the Indians in Gnadenhutten, on the Mahony, Susquehannah, and on the Delaware, and removed with them in 1771 from the Delaware to the Muskingum, by an invitation from the Six Nations, to westward, and established themselves in several towns, from whence, during the American revolutionary war, he with all the missionaries were taken prisoners by the Indians, and conducted to Fort Detroit, from whence he settled on Lake Huron, where he continued till the infirmities of his amiable spouse made it necessary to quit those rural scenes of a wilderness, when they repaired with another family by the lakes of Erie, Oneida, Niagara, &c. &c. to Bethlehem, where his spouse died in a few years after, and he lived in a retired station, enjoying the fruits of a well spent life, in the midst of a society of his dearest friends and relations who knew how to appreciate his virtues. If ever the character of *a christian* were properly delineated, the life, professions, actions and transactions of this venerable father constitute an unwearied and consonant similarity. His exit from this world was truly christian like, and to the last moment he retained his faculties, smiling death in the face, closing his eyes with his own hands, and with a serenity in his countenance he breathed his last, without a struggle, which clearly bespoke that he had lived in friendship with his Saviour, by whose mercy he obtained his peace with his God, from whom he joyfully expected the welcome invitation of "well done thou good and faithful servant, enter thou into the joy of thy Lord."

CHRONICLE.

CHRONICLE.

THE FOLLOWING IS A SKETCH OF THE STATE OF THE METHODISTS, IN AMERICA, FOR 1807.

Preachers admitted on trial this year,	81
——remaining on do.	91
——admitted into full connection,	59
——Deacons,	105
——Elected and ordained elders,	55
——Located this year,	29
——Supernumerary,	7
——Superanuated and worn out,	6
——Withdrawn,	2
——Expelled from the connection this year, viz.	
Baltimore conference,	
Sampson Trammel.	
——Died this year, viz.	4

1. George Dougherty, a native of South Carolina.

2. Bennet Kendrick, a native of Mecklenburg county, Va.

3. Henry Willis, a native of Brunswick county, Va.

4. Richard Swain, a native of New Jersey.

Members in the connection, taken by the different conferences, viz.

	Whites.	Colored.
Western Conference,	15,202	795
Southern do.	14,419	5,111
Virginia do.	18,169	5,834
Baltimore do.	21,054	7,143
Philada. do.	26,074	10,524
New York do.	18,008	837
New-Eng. do.	8,761	64
	121,687	30,308

Whites,	121,687
People of color,	30,308
Total,	151,995
Total last year,	144,590
Increase this year,	7,405

We have taken pains to ascertain the name and ages of those officers now in the army, who were in our revolutionary war, together with the number of years they have served their country, during and since that memorable event. We apprehend the following to be pretty correct.

	Years of Service.	Ages.
General Wilkinson,	25	56
Colonel Burbeck,	28	55
Colonel Hunt,	25	55
Colonel Cushing,	25	49
Lieut. Col. Freeman,	20	56
Lieut. Col. Kinsbury,	31	50
Lieut. Col. Sparks,	20	46
Major Pike,	26	57
Major Porter,	28	50
Major Bissall,	20	52
Major Stoddard,	16	45
Captain Whistler,	19	51
Captain Beal,	15	52
Captain Ray,	13	48

At least eight of the above named gentlemen entered the revolutionary army as privates. Ten of them retired with commissions at the commencement of peace; none higher than the grade of captains, except the general: four of them at that period were non-commissioned officers or privates. It may be said that these officers have grown grey in the service of their country.

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In Philadelphia, it appears with very little variation that the poor tax has increased about $2000 per annum, and that it keeps pace with the computed population of the city, at the ratio of one dollar poor tax per annum for each inhabitant, and that there is maintained in the alms-house, one pauper for every hundred inhabitants in the city and district; and estimating that there is about the same number pensioned in the city, will make two per centum on the inhabitants who are chargeable.

This increase of poor tax is about thirty thousand dollars every five years.

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Aggregate of the number of inhabitants in the state of South Carolina, according to the second census, taken in 1800.

FREE WHITE MALES,

Under 10 years,	37,411	
To 16 ditto,	16,156	
To 26 ditto,	17,761	
To 45 ditto,	19,344	
45 & upwards,	10,244	
		100,916

FREE WHITE FEMALES.

Under 10 years,	34,664	
To 16 ditto,	15,857	
To 26 ditto,	18,154	
To 45 ditto,	17,236	
45 & upwards,	9,437	
		95,339
All other free persons, except Indians not taxed,		3,185
Total free persons,		199,440
Slaves.		146,151
Total,		345,591

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About the 25th of May, at Knoxville, Tennessee, the following Intelligence was published.

About 2 o'clock, P. M. yesterday, the attention of the citizens

of Knoxville was called to witness a scene the most awfully majestic which has, or ever may, present itself to human eyes. The ears were first assailed by a roar something like what we hear when near the sea in a storm: but as this vein or current of air approached Knoxville, which seemed to threaten it with total demolition, large boughs of trees, or probably entire trees, were seen suspended in the air, while large and continued showers of *hail*, some of which measured nine inches in circumference, together with incessant streams of lightning, made the gloom more terrific.

This spectacle, the most awful that can be conceived, was viewed with indescribable satisfaction when the citizens of Knoxville found it had crossed the Holstein about three quarters of a mile below the town, and attached itself to a ridge of mountains on the opposite side. Very little rain fell in the town during the storm. We have been informed by a gentleman who was near the river, that the water was carried to an almost incalculable height. Many of the most beautiful plantations on the river are said to be stripped entirely of their improvements; amongst others we have heard particularly of Mr. James Miller's, five miles from this place, on the Nashville road. We have heard of only two lives that have been lost, but fear that is not all.

The following is an accurate list of the number of arrivals at the different ports of the United States, from foreign ports, since Christmas day, up to the 1st April.

At New York, 108 ships, 117 brigs, and 71 schooners.

At ports to the southward of New York, 123 ships, 140 brigs, and 150 schooners.

At ports to the eastward of New York, 50 ships, 109 brigs, and 100 schooners.

Total, 281 ships, 366 brigs, and 321 schooners.

The number of officers and seamen on board of each vessel, may, on a reasonable average, be estimated at nine, as the number of ships and brigs far exceed the schooners. Then, taking this for granted, the number of men engaged in foreign trade, thrown out of employ in three months, is 8,712!! besides coasting seamen, one half of whom are now unemployed.

In the town of Sutton (Mass.) a melancholy accident happened on the 25th of March, which, from its singularity, is entitled to public notice. In the iron-works of that town, belonging to Deacon Elijah Waters, a young man, about 25 years of age, was employed in grinding of scythes, on a large stone, which was turned with great velocity by water. The stone suddenly broke asunder, and a fragment, weighing 485 lbs. smote him with such violence on the side of his head, as to fracture it to atoms. The man was thrown to the distance of 4 feet from the side of the shop, and rebounded nearly the same distance. The stone was thrown with such force, that it struck

and broke an oak brace 4 by 5 inches, and was stopped in its passage by a beam. After falling on the floor it turned over, and once more struck the shattered head of the lifeless victim.

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Number of registered, certificate, and foreign vessels in the port of New York, on the 17th February, 1808.

Ships,	161
Barque,	1
Polacre,	1
Snows,	3
Brigs,	121
Schooners,	81
Sloops,	12
Total,	380

Of the above number *eleven* are foreign.

Coasting and river vessels supposed to exceed in number 400, are not included. Upon a moderate calculation worth five millions of dollars.

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We find it published, at Portland, Maine, on June 27, that on Sunday morning last, between the hours of 2 and 3 o'clock, a shock of an earthquake was experienced in this town; it was attended with a loud report and so much shaking as to wake those who were in a very sound sleep.

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The following account of the weather and season, during the summer of 1808, *at New York, is taken from a publication of Dr. Ricketson of that city.*

Nothing unusual occurred in the weather of the first summer month. There were plentiful rains, some cool, and a few hot days, towards the latter part of it. The second exhibited intense degrees of heat, and once steadily for about eight days. The mercury was said to rise, in some thermometers, to 90 degrees or upwards, of Fahrenheit's scale. In this month, there were frequent and deluging rains, extending in every direction in the country, and producing a beautiful verdure, and almost unequalled crops of grass, &c. There was very little appearance of that parching drought, which is so common in this country, and which most generally takes place at this season of the year. From the great quantities of rain that fell, the air was, most of the time very damp, and things liable to mould and rust contracted much of them.

The temperature of the air during the third summer month, was uniformly more cool and pleasant than that of the second. There was very little of that hot and sultry weather so commonly experienced in what are called the dog-days.

Several evenings and mornings were so cool, that fire was not uncomfortable: a rare occurrence in this month, and on the morning of the 17th, there was frost observed in Dutchess county. There was no heavy storm in this month, which has been generally remarked, and was particularly the case in the two last preceding years; and there was much less rain it than in either of the preceding months; so that some part felt the want of it. In short, it resembled the first autumnal more than the last summer month.

At the beginning of August it was observed in Massachusetts.—The weather for a fortnight past, has been uncommonly cool; the winds being generally prevalent in the eastern and northern quarters; but without rain, though the clouds have often threatened it. Vegetation, in general, has been luxuriant; but the corn is partially suffering for that warm influence of the sun, so necessary to enable it to fill out well and healthy. Fruits are not plenty; particularly the apple, which will be very scarce in Massachusetts, though we learn there will be plenty in New Hampshire and Maine; but, in general, they are neither so handsome nor of such delicious flavour as the past year's produce. The harvest of small grains has been better than an average. The flax is luxuriant; and the dry weather will improve the growth of potatoes in quantity and quality. The crops of hay have been great. On the evening of the 16th instant there was frost in some parts of the country.

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In a letter dated August 10, a writer at Newport, Rhode-island, observes, that

"The weather is so cool as to tempt us to wear our great coats: yesterday we took a ride round and through the island, which may truly be called the garden of America. Fields of corn, potatoes, barley, &c. orchards, pastures and gardens, occupy the whole island: all is improved; there is no waste land. We went over the bridge (eleven miles from this) which connects the island to the main; it is over an arm of the sea, 1540 feet wide, part of it 74 feet deep, and one-third of the whole way 54 feet deep. This bridge is 34 feet wide, is made of solid stone, except a draw in the middle, 30 feet wide, for ships to pass. The side is a wall of flat stones about 4 feet wide, the middle is filled up with stones and gravel, thrown in at random. It is so far done as to be completely passable, and the twenty hands now at work on it will furnish it in a few months. It will cost about 80,000 dollars, and is paid for by a company of 800 shares at 100 dollars. By their charter, it is subject to a perpetual toll.

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At Schenectady, N. Y. July 5, it is said on Thursday last, this city and the neighbouring country experienced a storm more severe than has been known for many years. The lightning and thunder were rapid and terrible, and rain fell in torrents; the wind blew with unusual violence, and in its course drew up trees and razed buildings. In the vicinity of this city many apple, cherry and plumb trees were blown down, and chesnut and other trees deprived of limbs. In Duanesburgh it was more severe, having blown down several barns, unroofed houses, and covered, in some instances, districts of from fifteen to twenty acres with fallen trees. In Johnstown, we are informed, the spire was blown off the meeting house, and several barns, and other buildings blown down.

In June, was published at Charleston, s. c. the following account of a remarkable Meteor, seen Tuesday the 18th November, 1766—extracted from the journal of the Rev. Mr. Archibald Simpson, minister of the P. Church of Saltketchers, who was then on his way from Saltketchers to Charleston.

About one o'clock, when I was about 20 or 30 miles from Charleston, I heard on my left hand to the north-west, the most dreadful noise, in two violent explosions, like the firing of two guns, when the one is fired just after the other, but inconceivably loud, with a violent concussion in the air, which shook myself and horses; the horses started to the other side of the path. In about a second of time after these two explosions, I heard the noise rattling high in the air over my head, and fly off to the right hand; when I took notice that it re-bounded or re-echoed four different times, like firing of guns over water in thick foggy weather. This amazing phenomenon surprised me much, as I could not imagine there were any great guns to be fired to the N. W. of me, and it seemed too violent an explosion for small arms. I thought it must be something very uncommon, but could not tell what. When I came about five miles further, I overtook gentlemen of my acquaintance, who asked me if I had heard it, and told me they observed a pillar of blue smoke in the air, a little before they heard the noise; and that they had since called in at a gentleman's house, and found the whole family in confusion. They had all fled out of the house, thinking there was an earthquake; that the house was coming down; and one of the negroes said it was a great ball of fire in the air. When we came further, to Ashley ferry, we found the people much alarmed; they thought that the public magazine of gun-powder at Dorchester, which was very large, was blown up by some accident. This we also thought to be the case as the report seemed to come from Dorchester, and that the negro must have been mistaken, when he thought he saw a large ball of fire with a long train, in the air.

I called in at Mr. B—'s, found the family much surprised, and very sensible of the house shaking. They imagined there were great guns fired at the ferry, and ran up their sashes to preserve the glass of the windows, which shaked so much that they expected another firing would break them to pieces. When I got to Charleston, I found the inhabitants greatly alarmed, the houses in town being most sensibly shaken. Many gentlemen in town saw the phenomenon for some time before it broke. Its explosion was exactly at one o'clock. Its first appearance was like a very large ball of fire, with a long train very high up in the air. It cast a light like the holding up a large glass to the sun, and casting or reflecting light upon people's faces, so that it dazzled the sight, though the day was very clear, and the sun shining bright. It then appeared like a long tapering white cloud, working into itself, and when it was in a small compass, it burst into a large blue pillar of smoke.

At this they pulled out their watches, and in all places of the town agreed that it was between eight and ten minutes from its bursting, before they heard the noise, so that it must indeed have been at a most prodigious height, which is the reason that to all persons, at many miles distance, it appeared to be just over themselves, and the sound to be just by them. This is the best and most just account I could collect of this most most awful phenomenon.

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The following meterological observations were made at Savannah, Georgia, in August 1808.

The thermometer at the highest marked 89—at the lowest 70—average, from three diurnal observations, (to wit, at 6 A. M.—3 P. M.—and at 6 P. M.) 79—average at 3 P. M. 82—range 19.

The barometer at the highest, marked in. 29, 60—at the lowest, in. 29, 40—range, in. 0, 20—main height 29, 50.

The prevailing winds, were eastwardly. There were 25 cloudy days, on 15 of which it rained. The quantity of rain which fell in the whole month, was, in. 12, 21—and the greatest quantity in any 24 hours, was, in. 2, 84—which fell on the 28th.

Thunder, both in force and frequency, was unusual, and many houses were struck in the city and its vicinity, some of which had the most approved conducting rods, which, from the manner in which they received the electrical fluid, evidently appeared to proceed from the conductors—this proves, that conductors are at least, not always to be relied on for protection against lightning. It appears to me, that, generally speaking, they may (if they actually do not) do more mischief than good.

It is an incontrovertable fact, that a conductor is capable of conducting *only* a given quantity of electrical fluid, and *that*, in proportion to its size. That from its form, it is capable of *attracting* lightning; now, if a cloud highly charged with electrical matter, happens to pass within the sphere of the conductor's attraction, the lightning will be directed to it, and what the conductor cannot convey, will be attracted by the next nearest body, and as soon as it meets with a non-conductor in its passage, a report and consequent fracture of the substance ensues.

As a subject not remotely connected with meteorology, it may be remarked, that this city has been remarkable *healthy* all this season, and that the few cases of fever which have occurred, were of the mildest form. It is a common remark, that during this time of the year, *if rainy*, it is always healthy near fresh water, and sickly on the salts; and *vice versa*—so far the remark may be applicable to this season, as the enormous quantity of in. 12, 21, of rain, has fallen the last month, and 6 inches during July, making together in. 18, 21, which, (if my memory serves me) is one half as much as falls in the space of a whole year in Great Britain. Some of the rains have been very heavy, and showers very frequent.

At Savannah, Georgia, on the evening of July 5, a great fire occurred.

The lower part of S. and C. Howard's store, under the bluff, occupied by Mr. W. J. Scott, was struck by a flash of lightning, which communicated to some hogsheads of spirits lodged in the second story, forced the roof upwards, and in an instant enveloped the whole building in flames. Alarm was given, and the inhabitants repaired very spiritedly to the place of danger. The wind blew violently, varying frequently between the north and east points, and the weather for a fortnight before, (with the exception of the squall in which the accident occurred) had been uncommonly warm and dry. The flames raged with unparalleled fury, baffling the utmost activity of the inhabitants, and often communicating by flakes of fire with the houses on the bluff until ten o'clock, when two very heavy showers of rain fortunately put a stop to their progress, and relieved the inhabitants from the most painful apprehension respecting the extent of the destruction.

All the buildings, (principally stores and warehouses) on Howard's, Harden's and Smith's wharves, with a large quantity of merchandize and produce contained therein, the property of different persons, are destroyed, and the store occupied by Messrs. Lord and Hall, on Jones' wharf, is much torn to pieces. The loss of property on this occasion is estimated as nearly as can be ascertained, at upwards of 100,000 dollars.

Fortunately there was a sufficiency of water at the wharves to admit the hauling out of the ships, otherwise many vessels must inevitably have been burnt. The brig Charles, (lately sent in by the United States brig Argus) was so near the store first struck, as to have one of her top-gallant-masts and yards shivered by the lightning.

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The following extracts are of much importance, in the light which they reflect on the subject of bridge building.

R. Peters, Esq. of Philadelphia, in a letter to the managers of the Schuylkill bridge, says: "Our experience is amply sufficient to remove all doubts respecting the capacity of covered wooden bridges, to withstand the assaults of the most violent tempests hitherto known. But the additional facts contained in Mr. Palmer's letter, will, I hope, remove all prejudices and fears on this subject. These doubts and fears seem to be too generally prevalent, wherever the plan of these invaluable protections to wooden superstructures is proposed. It is to be earnestly desired, that these groundless apprehensions may no longer exist. A cover to a wooden bridge should enter into the original designs of such structures with as little hesitation, and be considered as indispensible, as a roof to a dwelling house or other building. It gives to me peculiar satisfaction, and must afford great pleasure to all the stockholders, that the example set in the cover of the Schuylkill bridge, has already been so

beneficially followed. The covered bridge at Easton, in this state, has gained the approbation of every person who has seen it. Mr. Palmer has great merit in its structure, and the directors and stockholders are entitled to much praise, for their early and liberal adoption of the practical precedent afforded in our bridge. The plan of covered bridges having been once introduced into the eastern states furnishes a sure presage of its being generally used."

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Extract of a letter from Mr. Timothy Palmer, to Richard Peters, dated at Newburyport, July 11, 1808.

I take the liberty to inform you, that on Monday evening, the 27th of June last, there came on one of the most tremendous gales of wind, ever known in this country. The wind blew from the north-west, for about 30 minutes. The most sturdy oaks and elms were torn up by the roots; some twisted off. One meeting house was blown down in the neighbourhood of this town; and a new dwelling house was slipped 30 inches off its base, broke off the chimney and went no further. The reason of my being thus particular in this relation, is, Essex Merrimack bridge stands nearly in the centre of the direction of this tempest; and stood like Mount Atlas, amid the warring elements.

Last summer, I rebuilt one of the arches; the span of which is 113 feet, and is on the same principle with your bridge. With much persuasion, I obtained liberty to cover it. There were many doubts in the minds of the stockholders, as to its stability against strohg winds. These doubts are all removed since the gale; and it is believed it will stand fifty years. There was a beautiful grove of pines, standing near the bridge, some of the trees within twenty feet of it. They are nearly one half prostrate, say upwards of 200. The account I have given, will, I presume, remove all fears of your bridge being blown away by the wind.

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At Newburyport, June 28, it is said, "last night we experienced one of the most violent hurricanes remembered by the oldest inhabitant. The afternoon was uncommonly warm; thermometer up to 95 in shade, and the air confined; between 6 and 7, the clouds gathered thiek, with excessive thunder and lightning, about 40 minutes past seven, a violent wind set in from N. accompanied with torrents of rain, and for about 35 minutes the horizon exhibited a spectacle tremendously awful, thunder, lightning, hail, rain, and wind, carried all before it.

Many trees were blown down, glass broken, fences demolished. The shipping at the wharves parted their fasts and were driven before the tempest, &c. We are concerned to state that several boats were out, which we fear must have severely felt it.

Both light-houses are blown down, five barns were blown down in Salisbury, old town; the old meeting-house, at the plains, and

almost totally demolished an orchard of 100 trees, over the river Salisbury.

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The opening of July was rendered remarkable by the intense heat of the weather throughout the United States.

Intelligence from Washington, of July 4, says,

The weather for the past week has been unusually warm. On Monday last the mercury in Farenheit rose to 95 degrees, and rose to nearly the same height on the three succeeding days. On Friday it rose to ninety-eight and a half degrees.

Intelligence of the same date from Baltimore, says:

The thermometer which gave 92 degrees at 2 o'clock on Thursday last, rose to 94$\frac{1}{2}$, two hours after, 2$\frac{1}{2}$ degrees, higher than it has been for several years. Farenheit's thermometer, in a very cool part of the Office of Discount and Deposit, Gay-street, the mercury in which has not, for many years before, been above 88 rose this week to 91.

July 2. At Catskill, New-York, between 12 and 1 P. M. a very violent tornado marked its way through this village. It appeared to have come from the north-west, and passed to the south-east, The cloud of dust which appeared at a distance gave timely notice of its approach. Several buildings were razed from their foundations, and removed a considerable distance. The brick walls in the gable ends of the prison were blown down by the violence of the wind, and though no individual received personal injury, a horse belonging to the sheriff, was killed, and a carriage totally destroyed. To the north many buildings were unroofed, and considerable damage done to vessels in the river, but no lives were lost.

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South-Hadley, (Mass.) July 12, 1808.

Last evening at about 20 minutes past nine, my attention was drawn to view a very singular appearance in the heavens: A bow in the west resembling, in form, a rainbow; its progress was from the horizon in the north-west, and extended through the vault of heaven to the opposite horizon in the south-west.

The height of the arch of the circle, as viewed from my station, would make an angle with the horizon of about 55°.

The appearance of the bow was very lucid; but none of the colors which appear in the rainbow could be discovered. There was a vivid appearance in the bow resembling the twinkling of the Aurora Borealis.

It continued in its full lustre ten or twelve minutes, then began to fade at its zenith, and entirely disappeared there, while the extremes near the horizon retained their brightness, these faded by degrees and in about thirty minutes entirely disappeared.

During the time the bow was the most brilliant that section of the firmament included between the bow and the horizon appeared differently from the other part

of the heavens; the sky was lighter; there were no different shades of darkness produced by broken clouds, which was the case with the parts of the sky.

The darkness which was spread over this section of the heavens appeared more like the darkness produced by the eclipse in June, 1806, than like the darkness of the night. The moon was about rising at its commencement; but was mostly obscured by clouds, which appeared uniform through all the different appearances of the bow. There was nothing in any other part of the firmament which appeared like the northern lights.

The cause of this phenomenon is left for the examination of the curious.

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At Pittsford, Vermont, July 22, a very violent tornado was experienced. It commenced between 3 and 4 o'clock, P. M. with very sharp lightning and heavy thunder, which was succeeded by wind, rain and hail, from the N. W. rushing with irresistible fury, and prostrating almost every thing in its way. It is rare indeed that we hear of a more terrible and sweeping storm in this part of our country. Such was its force, that its progress might be seen step by step. It commenced its ravages a little north of Baptist meeting house, and with inconceivable fury dashed to atoms in a moment the windows on the north and west sides of that building. Passing on in a twinkling to the congregational meetinghouse, seemingly with an increased impetuosity; every lattice was almost swept from its casement. The proud fabric of man trembled like the blade, and deep consternation made pale the countenance of the bravest. A large two story house, occupied by Mr. Kendal as a tavern, was in part unroofed in an instant; and the barns, sheds, &c. were tumbled down as though nothing had opposed. A new barn just erected by G. Newell, Esq. and another owned by Mr. Walker, were torn in pieces and scattered in the wind as feathers. Other light buildings suffered a similar fate. The wind filled with boards, shingles, and hail, scattered destruction and dismay through the town. Every house, and every field, exhibited sad spectacles of its march. Whole fields of corn were cut down as with a scythe, for about a mile in breadth. About 1500 panes of glass were broken in the village.

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The following account of an earthquake was published at Bluehill, (Mass.) June 28, by an anonymous hand.

Yesterday morning I was awakened from a sound sleep, at day break, by a roaring, which I thought to be the beginning of a heavy thunder clap; immediately the idea passed my mind, that it was too long and equable for the approach of a clap of thunder: just as this idea passed, a trembling commenced; Mrs. F. now awoke, and asked, what is this? I replied, it is an earthquake. Directly after this reply, we felt the heaviest part of the

shock, which caused the joints of the house to give a general crack, like that after a heavy gust of wind, but more sharp and loud. After this the tremulous motion, which was very sensible, and attended with a solemn roar, decreased and subsided. To me, and I understand to several others, the course of the earthquake was from west to east, nearly. The duration of trembling I should judge to have been about twenty seconds, perhaps more; the roaring before it about as long; the roaring after it appeared to be of less duration and fainter, than before. Soon as the shock was over, I rose, and looked out of the window, and found the sky overcast, and the air very still. Here it may be just noted, that a day or two before this shock, a great quantity of rain had fallen. To assign the precise measure of the trembling would be difficult; I think it could not have been much more severe, without throwing down crockery ware and the like. I have heard it mentioned that several things, within the limits of the town, were thrown down.

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An intelligent observer at Alexandria, (Vir.) has published some notes of the weather, at that place, in 1803, when the yellow fever prevailed at that place. It may reflect light upon the climate of the United States, between the latitude of thirty-eight and forty. Far. Ther. rose to 99° on the 13th, 14th, and 15th of July, and on the 16th, to 101°.

June	18,	Ther. Faren.	80
	19,		67
	26, at	7 P. M.	80
		6, 7, 8 and 9, P. M.	85
	27,	7 A. M.	80
		1½ P. M.	90
		3 P. M.	91
		4 P. M.	92
	28,	7 A. M.	86
		2½ P. M.	91
	29,	9 A. M.	87
		11 A. M.	89
		12 A. M.	91
		5 6 & 7 P. M.	92½ to 93
	30,	11 A. M.	88.
		2 P. M.	93
		3 P. M.	94
		4 P. M.	95
		6 P. M.	93
July	1,	7 A. M.	83
		9 A. M.	88
		10½ A. M.	90
		11½ A. M.	92
		1 P. M.	94
		3½ P. M.	95

From the 19th to the 26th June, rainy and misty every day.

On the 30th June, the thermometer 98° at the president's house. Four men killed at or about the new bridge road from Washington.

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To the numerous cases in which dogs have shown an affection for man, and a sagacity above instinct, may be added the following authentic instance, which took place at Hudson, (N. Y.) July 4.

As cap. John Swift of that city, was employed in depositing a quantity of flax in the Claverack creek, for the purpose of water-rotting it, influenced by the warmth of the season, and the agreeable temperature of

the water, he plunged into the stream, to enjoy the pleasure of a cold bath. Having never been, as he says, an expert swimmer, and having wholly neglected the practice for several years past, he was immediately carried by the rapidity of the current, to a deep place in the river, and there went to the bottom. Being instantly sensible of his danger, he attempted, as he rose to the surface of the water, to call for assistance to Mr. Hutchinson, a man in his employ, who was depositing the flax at a small distance below him. But as he was, in a measure, strangled, he failed to excite the attention of Hutchinson, and again went to the bottom. As he rose the second time he found himself too much exhausted to attempt calling for help, and went down the third time. All hopes of preserving his life now vanished, and he prepared to meet his fate. Just at this critical moment, a large dog belonging to the captain seeing his master in distress, leapt into the stream, and swam to the place where he last disappeared. As he rose again, he was so fortunate as to lay hold of his dog. He was immediately brought to shore, supported, as he supposed, by his friend Hutchinson; but how great must have been his astonishment and gratitude when he found that he had been preserved, not by the friendly arm of man, but, by his faithful dog!

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On the 22d of June, arrived at New-London, (Con.) from Patagonia, the ship Leonidas. The following pithy and artless, but interesting account of the sufferings of her crew, is given by one of the officers.

On board said ship, April 10, 1808, a number of the crew down with the scurvy; on the 15th put away from the fishing ground for home, sickness continuing among us, winds mostly northerly and light. On the 5th of May, made the island of Trinidad, in south latitude twenty-one; about two-thirds of our crew now afflicted with the scurvy, some very bad: approached the island as near as we dare to, there being no anchoring place, lay off and on, opposite the s. s. w. part of it, and at 11 A. M. sent ashore two boats, with the two mates and crew, to get refreshment. Part of the number being touched with the scurvy, one of the boats landed; and all the people from both boats, except three, who remained in the other boats lying off and on, to guard having both boats stove by the surf, and to be ready to take off the people, in case of an accident happening to the boat ashore. At 2 P. M. a heavy sea rolled upon the landing place, which prevented the boat on shore from getting off, and also rendered it dangerous for the boat in waiting to reach the shore, and it made for the ship and reached her at 4 P. M. The two mates, one boat steerer, and five men were now on shore collecting refreshments, and the winds rising and the sea so rough, that it was impossible to go on shore; the rest of the day, the ship continued to lie off and on, in sight of the island, which was kept in view by the fires kindled up on shore all

night. Next morning at 8 A. M. the trade winds sprung up; from S. E. we steered for the N. N. E. part of the island. At 11 A. M. lowered away a boat and sent it ashore with five men, to endeavor to bring off the crew who had crossed the island to this part of it; at meridian, squalls of rain and thick weather prevented the island or boat from being seen from the ship; the ship tacked off and on until 4 P. M. when it lighted up, so that the ship was seen from the shore. It now being very rough heavy swell, surf high, and thirteen souls on shore with but one boat, the other being on the other side of the island; the first mate, Mr. Coffin, with six men, (which number was as many as prudence would permit) got into the boat and put off through the surf for the ship, leaving the second mate, Mr. Barney, one boat steerer, Mr. English, David Branch, Franklin Bull, Jason Rogers, and Stephen Moore, on shore, who voluntarily went to return to the other side of the island, and take shelter under their boat, and wait until next morning, and until the weather should permit the boat getting off, blowing very heavy gale from S. E. the ship stood off and on all this night, and a strong lee current, heavy wind and hard rain. Next morning, at 10 made the island again, distant about 4 leagues, being to the leeward of it, we stood in for it under double reefed topsails, and crouded the ship; had to gain the island against the strong current and heavy gale: at 6 P. M. the island bore S. E. nine leagues distant, and no prospect of gaining the island, people sick, and growing feeble, called all hands upon the qurater deck, and held a council what to do. To regain the island now seemed impossible, to continue in the effort would endanger the lives of the sick on board, and perhaps lose the ship for want of well ones enough to work her. On taking the opinions of all, whether to continue in our efforts to gain the island, or put away for home, it was unanimously voted to put away; and accordingly we put away for home. Nathan English, brother to Isaac English above named, now on the island, voted in favor of putting away, so strongly impressed was he of the necessity of so doing. On the passage home spoke a vessel, and got some potatoes, which checked the scurvy; and through the blessing of God, we arrived at this port on the 22d June, all alive, and the sick much recovered. There are no inhabitants on the above named island, but plenty of wild goats, hogs, fish and water.

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University of Pennsylvania.

The medical department of the University of Pennsylvania is rapidly increasing in respectability, and in the number of its pupils. The aggregate amount of the students during the last winter, was not less than 270, or 275. The greatest number of these were from Pennsylvania, and from the states south and west of Pennsylvania. A few were from New-England; a greater number from the state of New Jersey; two or three from the West-India islands; and at least two from Europe.

On the 27th of April, a public examination of the medical candidates was held in the presence of the trustees and faculty of the university, and a number of the citizens; and on the following day the degree of doctor of medicine was conferred upon sixty gentlemen, each of whom had written and submitted to the medical professors an inaugural dissertation, which was publicly defended.

The degrees were conferred on the graduates by John M'Dowell, L. L. D. who is now the provost (or principal) of the university; after which an address was delivered to them by Dr. Barton, the dean of the medical faculty, for the present year.

By a late regulation of the trustees of the university, the medical graduates are not obliged to publish their inaugural dissertations. After the dissertations have been submitted to the medical faculty, if they are approved of, the publication is altogether optional; or entirely the act of the graduate. In consequence of this regulation, which has now been in operation for two terms, only a small number of the dissertations have been printed and published.

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The population of the principal towns in Massachusetts, in 1800, *was as follows.*

Towns.	Population in 1800.
Boston,	24,937
Newburyport,	5,946
Beverly,	3,881
Portland,	3,704
Wiscasset,	840
Bath,	1,225
Wenham,	476
Berkeley,	1,013
Hallowell,	1,364
Shrewsbury,	1,143
Gloucester,	5,313
Newbury,	4,076
Scituate,	2,728
Cohasset,	849
Cambridge,	2,453
Amesbury,	1,757
Topsfield,	780
Plymouth,	3,534
New-Bedford,	4,361

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By the last law on this subject, the following is the state of the legislative representation of the state of Pennsylvania.

The senate, at a ratio of 4,500, consists of thirty-one senators, apportioned as follows:

	Senators.
City and county of Philadelphia,	4
Counties of Delaware and Chester,	2
County of Bucks,	1
Lancaster,	2
Berks,	2
Dauphin,	1
Montgomery,	1
Northampton and Wayne,	2
Luzerne and Northumberland,	2
Lycoming, Centre, Clearfield, M'Kean, Tioga and Potter,	1
York and Adams,	2
Mifflin and Huntingdon,	1
Cumberland,	1
Bedford, Somerset and Cambria,	1
Franklin,	1
Westmoreland, Armstrong, Indiana and Jefferson,	1

County of Fayette,	1
Greene and Washton,	2
Allegheny, Beaver and Butler,	2
Mercer, Erie, Venango, Crawford, and Warren,	1

The house of representatives, at a ratio of 1,500, consists of 95 members, apportioned as follows:

	Represent.
City of Philadelphia,	5
County of Philadelphia,	6
Bucks,	4
Chester,	5
Lancaster,	6
York,	4
Cumberland,	3
Berks,	5
Northampton and Wayne,	5
Northumberland,	4
Washington,	4
Westmoreland,	3
Armstrong, Jefferson and Indiana,	1
Fayette,	3
Bedford,	2
Franklin,	3
Montgomery,	4
Dauphin,	3
Luzerne,	2
Huntingdon,	2
Beaver,	1
Allegheny & Butler,	4
Mifflin,	2
Delaware,	2
Somerset and Cambria,	2
Lycoming,	2
Greene,	1
Adams,	2
Centre, Clearfield and M'Kean,	1
Erie, Crawford and Warren,	2
Mercer & Venango,	2

The following particulars, respecting an epidemic fever, prevalent in the autumn of 1808, *at St. Mary's, Georgia, are taken from two letters which have appeared in the public prints. The first letter was from Mr. Leapove, dated Oct. 7; and the second from an anonymous hand, dated Oct.* 9, *addressed to persons in Savannah.*

1.

Ere this you must have heard of the melancholy situation of this city, owing to the introduction of a most malignant fever, from a vessel landing 2 seamen sick, with the fever, one of whom died soon after, and from that source the disease has spread to a most alarming degree. On its being ascertained that the fever was spreading, the inhabitants fled to the country, as many as could; but unfortunately, too many remained, as will be seen by the list of the victims. We have buried since the 10th of last month, 34 persons, 30 of whom have died since the 29th of same month. The list kept by the committee of health, lays before me; from it I can state, that of 62 persons seized with the fever, 34 are in their graves, and some of the survivors dangerous. Among the victims who have fallen, is our valuable friend, Robert M'Farlane, Esq. our post-master, who died on the 5th inst. after an illness of three days. There does not now remain in town, more than 20 well white persons. I have lost my nephew. Mrs. S. has been very ill, and four others of my family, but are all recovering. Peyton Skipwith, Esq. died on the 2d inst. on Cumberland-Island, of the prevailing fever,

taken in town. The disease that now rages, has every appearance of the yellow fever, that visited New York and Philadelphia for years past. The first attack is by a pain over the eye-brows, in the back, a chill and vomiting: every one who has died, has had the black vomit, bleeding at the nose and mouth. I do not know whether or not you have a committee of health in Savannah, or I would communicate with them on our situation, and put them on their guard, as I hold it ungenerous and cruel, to conceal or suppress a just state of things to our neighbors and fellow citizens at large. I continue in good health and am doing all in my power for the sick. Six new cases the last 24 hours, ending at 12 o'clock yesterday: I have not heard of any this morning, and only one death.

2.

During our distress, we have had an opportunity of seeing what men are. What do you think of the infamous conduct of the inhabitants of the town of Jefferson, in our county, not suffering a soul from this place to enter their town, and had even the audacity to advertise the same in our market-house. At the general county election, by this conduct, such of our towns people as could have gone to vote were debarred. This was effected by a few vile wretches to influence the election in favor of their own creatures: under such conduct no honest mind can conceive that the legislature will consider the election legal; nor has the most trifling assistance been afforded to our suffering sick, except by a few planters in this vicinity, who have humanely rendered such aid as in their power. It would be the highest ingratitude to pass unnoticed the magnanimous, humane, and generous conduct of our neighbors in Florida. On hearing of our distress, twelve gentlemen, then at the house of Mr. M'Clure, on Amelia Island, subscribed the sum of one hundred and ninety-one dollars, and immediately sent the cash inclosed in a letter. Contrast this act of humanity with that of our own citizens, who have been looking on and seeing our poor suffer, and to the great disgrace of our country, have been for these eight months past, using every mean to starve their neighbors, by descending to extreme littleness in preventing even a loaf of bread or a pound of fresh beef to cross the river St. Mary's. We must suppose our collector and the officers of the gun vessels have orders for their doings: it however appears harsh, much unlike the conduct of a magnanimous, free and independent government, and must be unpleasant to good officers.

Our worthy friend, major Seagrove, the chairman of the committee of health, is now the only one of that board in town; he is determined to remain for the benefit of the sick, while GOD spares his life: his family are getting better, as are all our friends in the country, who removed from town. Only two new cases the last forty-eight hours: nearly all the inhabitants have fled, are sick, or dead; no more than ten of the old inhabitants (whites) remain.

[John Binns, Printer.]